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**To:** Frank Brogan, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education

**From:** Richard Corcoran, Commissioner of Education, Florida Department of Education

**Re:** Application Amendment for 2016 Charter Schools Program SEA Grant and Waiver Request

The Florida Department of Education (FDOE) is seeking to amend its approved application for its 2016 SEA Charter School Program grant (CSP, Award U282A160012) and simultaneously seek a waiver of the statutory and regulatory requirements that govern the CSP. Specifically, the FDOE seeks an amendment to award CSP sub-grants to new and established operators to provide them funds to purchase the hardware and software necessary to enable all of their students to access curriculum and lessons from home. *Essentially, as public schools face a growing crisis from the threat of COVID-19 and increasingly plan for virtual instruction for the foreseeable future, the FDOE wants to equip all Florida charter schools that meet the federal definition of a charter school, to the extent possible, with a one-to-one student-to-device ratio.* For that, we would need the Secretary of Education to exercise the waiver authority granted her **SEC. 5204(e)** of the Elementary and Secondary Education Act. And as Florida is in its first no-cost extension of the 2016 grant awarded to the state, we would ask that **SEC. 34 CFR 75.261(c)(3)** be waived to allow for these flexibilities at this time.

### **Why we are seeking an amendment and a waiver**

Given the unprecedented impact of the COVID-19 crisis on public education, the CSP grant is ideally suited to quickly provide relief, resources, flexibility and innovation in the charter sector. All public schools are moving into uncharted territory over the next several months, but independent charter schools lack the centralized support enjoyed by school districts, and their students arguably face some of the greatest disruption. Perhaps the most significant emergency plan for which schools must prepare is how to keep the instructional momentum going outside the brick-and-mortar classroom. Smaller “mom-and-pop” charter schools that serve the most educationally disadvantaged students are themselves disadvantaged. They would be the least likely to have a one-to-one student-to-device ratio, much less the ability to link their educational program to their students’ homes. The CSP can provide immediate support and relief.

However, we seek this relief for *all* schools that meet the federal definition of a charter school, to the extent practicable. The CSP, as it is currently governed by statute, provides one-time start-up support to new schools (or at least those in their first three to five years of operation). Smaller, independent schools that have been in operation for up to 20 years do not necessarily possess any greater capacity to successfully deliver a high-quality virtual education program than

those in their first year of operation. For Florida to provide this relief, we require a waiver from the U.S. Department of Education. The Secretary has broad discretion to “waive any statutory or regulatory requirement over which the Secretary exercises administrative authority.” By exercising this authority, the Secretary would enable Florida to help provide the resources necessary to continue the education of our most disadvantaged students during this time of crisis.

**What we could accomplish with this waiver**

With this flexibility, the FDOE can accomplish the following:

- Allow sub-grantees the ability to purchase computers, software, and internet access for their teachers and students, particularly those low-income students who do not have access to these materials at home;
- Enable schools to provide students with the software and internet access necessary to access educational programs from their homes; and
- Support all professional development and planning costs associated with implementing and overseeing virtual instruction

The waiver also would be aligned with the strategic objective of Florida’s 2016 CSP grant: To drive, support and sustain the continued evolution of Florida’s charter school sector into a high-impact system that dramatically improves opportunities and outcomes for educationally disadvantaged students.

**What funds are available in Florida’s 2016 CSP project**

Florida has approximately **\$10.8 million** left in its \$70.7 million 2016 CSP project in which to award sub-grants<sup>1</sup>. This leaves ample funding to accommodate this need for schools while possibly leaving enough to run another competition for charter school start-ups later this spring or summer. Our breakdown of sub-grants awarded to date reads as follows:

<b>Cohort</b>	<b>Number of schools</b>	<b>Status</b>	<b>Expenditure/Obligation<sup>2</sup></b>
2017	13	Completed	\$4,732,297.08
2017 Supplemental	12	Completed/Active	\$7,629,415.44
2018	11	Active	\$8,800,000
2019	7	Active	\$5,600,000
2020	26	Active	\$20,800,000
2020 Supplemental	11	Active	\$8,800,000
<b>Totals</b>	<b>80</b>		<b>\$56,361,712.52<sup>3</sup></b>

<sup>1</sup> About \$3.5 million of Florida’s \$70.7 CSP grant was set aside for administrative costs and contracted services.

<sup>2</sup> The 2017 sub-grant cohort information shows mostly expenditures, as most sub-grant projects are completed; information for all other cohorts show total award amounts, not actual expenditures.

<sup>3</sup> The Florida Department of Education is in ongoing discussions with the U.S. Department of Education over sub-grant projects funded through our 2011 and 2016 CSP grants.

### **How much for each sub-grant under this waiver**

It is difficult to predict how much each sub-grant award granted under this waiver would total. As each sub-grant would require a budget narrative, Florida's CSP staff would still have to review all proposals for items that are allowable, reasonable and necessary. The technology and distance learning needs for a charter school of 100 students would be vastly different from that of a 1,000-student school, making a fixed amount for the grant impractical. However, FDOE would not exceed the maximum award of \$800,000 set in the 2016 Notice Inviting Applications to which our state responded. It is likely that most sub-grant awards under this waiver would go total no higher than \$250,000.

Budget and performance periods would run 12 months from the time the FDOE Commissioner of Education approves the start date for each sub-grant award. Under this project, the start date would be the day that the Commissioner of Education activates those sub-grant applications that were received by FDOE in substantially approvable form. However, we would ask that the Secretary waive **SEC. CFR 200.308(d)(1)** to allow pre-award costs that date back to no earlier than March 9, 2020 – the day Florida Governor Ron DeSantis declared a state of emergency due to the threat of COVID-19. This would provide relief to charter schools that sought to fulfill their virtual instruction-related needs since that date.

Any of our remaining sub-grant funds not obligated to this project will go toward funding the sub-grant competition that we had initially been granted permission to run during our no-cost extension (which runs through September 30, 2020).

### **What schools would benefit**

While the FDOE aims to target all charter schools that need the support described above, the sub-grant budget from the FDOE's 2016 CSP \$71.7 million project is finite (after all obligations to other sub-grant projects are accounted for). With this, the FDOE would prioritize all Title-I eligible, single independent charter schools for this effort, and we would rank order those schools as follows:

1. Those with free and reduced-price lunch populations of 100 percent; then, if funds remain available,
2. Those with free and reduced-price lunch populations between 90 and 99 percent; then, if funds remain available,
3. Those with free and reduced-price lunch populations between 80 and 89 percent; then, if funds remain available,
4. Those with free and reduced-price lunch populations between 70 and 79 percent; then, if funds remain available,
5. All other Title-I eligible single charter schools, rank-ordered as follows
  - a. Those with free and reduced-price lunch populations between 35 and 69 percent; then
  - b. Those with free and reduced-price lunch populations less than 35 percent

If available funds remain, the FDOE would next accommodate those charter schools within networks that operate fewer than five charter schools in Florida. If funds remain after that, Title I schools within charter networks that operate more than five schools in Florida would be eligible, using the same rank ordering described above. The vision is to first benefit those schools that serve a disproportionate number of educationally disadvantaged students who lack the access to virtual instruction technologies.

### **Budget amendments and sub-grant distribution**

The FDOE is proposing no budget amendments, as we plan to offer these sub-grant awards through our existing sub-grant funds. The process of awarding sub-grants under this waiver, however, would be different from the normal process compliant with **SEC. 5203(b)** of the Elementary and Secondary Act.

To that end, the effort conducted under this waiver request would remain compliant with the following provisions under SEC. 5203(b)(3): (A.)ii.; (B); (D); (H); (L); and (N). *Florida requests that all other provisions under SEC. 5203(b)(3) be waived.*

A description of how Florida would release sub-grant awards under this waiver follows:

Florida would invite applications through a formal Request for Applications (RFA). Upon release of the RFA, the FDOE will host a webinar to explain the process of submitting an application and the review criteria.

All applications must include a project application form and a budget narrative form supplied by the FDOE. Budget pages must be completed to provide sufficient information to enable FDOE reviewers to understand the nature and reason for the line item cost.

While no project narrative is required, applicants must provide the following information with the forms above:

- Project abstract: Provide a brief description of the school's educational program and why the school is seeking these funds. Schools should address why CSP funds are necessary to accommodate the school's and students' distance-learning needs due to the disruption caused by COVID-19.
- School overview, which must include:
  - Year the school opened
  - District in which it operates
  - Florida Master School ID (MSID)
  - Current enrollment
  - Grade levels served
  - Title I status (Yes or No)
  - Identify whether:
    - A: School is governed by a board that operates fewer than five schools (identifying the sister schools); or
    - B: School is governed by a board that operates more than five schools (identification of sister schools in this case is not required)
  - If school contracts with an education services provider (ESP), provide the name of the provider.
- Signed attestation form supplied by the Department

The FDOE will task grant specialists to review each application to ensure that proposed items are allowable, reasonable, and necessary. Under ordinary circumstances, the FDOE releases sub-grant

awards to a local educational agency (LEA) on behalf of the sub-grant recipient. The LEA then manages the reimbursement process, assuring that the charter school has sufficient documentation to support the reimbursement. *For this waiver, we are proposing to continue to release awards to an LEA, but then direct sub-grantee charter schools to submit their invoice directly to the LEA at the time their purchased hardware or software comes into their possession.* We would then direct the LEA to release funds to the school, with the assurance that the LEA would in turn require proof that the school made payment for the goods within three days. This would provide an added assurance that CSP funds would not sit in an interest-bearing account.

#### Additional waivers

Lastly, we would request two additional waivers:

1. Waiving the competitive nature of the CSP: Sub-grant applications would not be externally reviewed, for the sake of expediency, but would instead be evaluated based on the prioritized criteria identified above. This would require a waiver from **SEC. 5204(c)** of the Elementary and Secondary Education Act. Schools would still have to have a budget narrative that itemizes their technological and distance-learning needs, and those proposed budgets would be reviewed by CSP staff.
2. Waiving the requirement that sub-grantees cannot have previously received a CSP award: This would require an waiver from **SEC. 5202(d)(1)** and, perhaps, **SEC. 5202(c)(2)(B)** (that of grants to eligible applicants) of the Elementary and Secondary Education Act. Eligible schools under this application amendment and waiver request might have been operating for the last 20 years, and could have received a CSP sub-grant award many years ago. However, we will not award schools that have a current CSP project. Those can, if they are eligible, go through the FDOE's budget amendment process to achieve the goals outlined in this request. All schools receiving a sub-grant award under this waiver would meet the federal definition of a charter school, and the performance and budget period for these sub-grant projects would run 12 months from the date the Commissioner of Education activates the awards

#### **Background on, and summary of, Florida's current 2016 CSP project**

As 2016 CSP project begins to wind down, the FDOE is poised to drive system-wide improvements to one of the most significant charter school landscapes of any state. As detailed in our approved application, the FDOE has implemented many of the projects aimed at reforming the very building blocks of the charter school space and ensuring that all students, regardless of income or ZIP code, have access to a high-quality public school.

Specifically, the FDOE has undertaken the following projects to help enhance the capacity of charter school authorizers, advance outcome-based accountability and support visionary leaders committed to serve our highest-need children:

***Governing Board Development:*** The FDOE, in partnership with Washington, D.C.-based Charter Board Partners, worked in several districts to match highly skilled executives in industry and matched them with the charter school governing boards that most benefitted from their talents. Our

work spread from Hillsborough County (home to City of Tampa) to Polk County and, finally Duval County (home to the City of Jacksonville).

***Charter School Performance Framework.*** The FDOE, in collaboration with authorizers, operators, and national experts, is developing a statewide charter school performance framework that will provide authorizers, schools, and the public with a standardized set of objective measures to evaluate the academic, financial, and organizational performance of public charter schools.

***Authorizer Accountability.*** The FDOE conceptualized a statewide authorizer dashboard to evaluate and publicly report on authorizer performance, and it accomplished this with the primary input of the authorizers themselves.

***Authorizer Training and Leadership Development.*** The FDOE implemented a successful charter school authorizer fellowship program. We selected two candidates from Florida's authorizers and immersed them in the offices of some of the best authorizers in the nation, including the Massachusetts Department of Education, the State University of New York, Denver Public Schools, and the D.C. Charter School Board. The candidates returned to share with their colleagues what they learned and observed.

Additionally, the FDOE contracted with the National Association of Charter School Authorizers (NACSA) to provide intensive training to authorizers on the Florida Principles and Standards of Quality Charter School Authorizing. Specifically, we immersed trainees in day-long workshops on each of the standards that the FDOE has published.

And, importantly, the FDOE has executed its most rigorous sub-grant award selection process to date. Through an innovative partnership with NACSA, sub-grant applicants under a comprehensive review of the very charter school application they submitted to their authorizer, and they must submit to a face-to-face capacity interview. Altogether, the FDOE has awarded 35 sub-grant awards after its first year of competitions, and is currently reviewing another 31 applications in its most recent competition. The FDOE anticipates hosting at least two more sub-grant competitions before the close of its CSP project.

Lastly, the FDOE has undertaken a sweeping dissemination strategy, anchored by its annual Florida Charter School Conference, which was held in November to 700 participants.

With this, the FDOE has achieved the following goals outlined in its CSP application:

- Increase academic achievement of educationally disadvantaged students
- Increase academic achievement of all students
- Decrease the achievement gap
- Increase access to high-quality charter schools