



Wednesday, July 13, 2022



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## The Charter School *Advocate*

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### **NEW FEDERAL LAWS & REGULATIONS**

#### **KEEP KIDS FED ACT OF 2022 SIGNED INTO LAW**

**On June 28<sup>th</sup>, President Biden signed into law S. 2089, "Keep Kids Fed Act of 2022,"** which extends certain flexibilities for child nutrition programs and provides temporary increases in reimbursement rates for school meals and meals provided at childcare centers. A **Fact Sheet** on the Law can be found [here](#).

#### **BIPARTISAN SAFER COMMUNITIES ACT**

**On June 28<sup>th</sup>, President Biden also signed into law S. 2938, "BIPARTISAN SAFER COMMUNITIES ACT",** which enhances certain restrictions and penalties on firearm purchases, promotes best practices for school safety, authorizes grants to expand access to mental health services, and appropriates emergency funding for mental health resources and school safety measures. A fact sheet on the law can be found [here](#).

#### **NEW CHARTER SCHOOL PROGRAM REGULATIONS**

**On July 1<sup>st</sup>, the United States Department of Education** issued the revised regulations for the Charter School Program (CSP). The new rules went into effect on July 5<sup>th</sup> and state entities that are applying for grants have 30 days to submit applications for funding this cycle. **The Regulations create distinct levels of priorities for the grants:**

#### **ABSOLUTE PRIORITY**

- **Best Practices for Charter School Authorizers** – the application must demonstrate that the State entity has taken steps to ensure that all authorized public chartering agencies implement best practices for charter school authorizing.

**COMPETITIVE PREFERENCE PRIORITIES** – *extra points in grant competition*

- **Multiple Authorizers** - at least one authored Public Chartering Agency other than a Local LEA, or an Appeal Process
- **Equitable Financing for charters** compared to traditional public schools
- **Best Practices to Improve Struggling Schools** and LEA's - State uses best practices for charters to help improve struggling schools and LEA's
- **Charter School Facilities** – provides one of the following: funding for facilities, assistance with facilities acquisition, access to public facilities, ability to share in bonds or mill levies, right of first refusal to purchase public school buildings, or low-or-no-cost leasing privileges
- **Serving At-Risk Students** – state supports charter schools that serve at-risk students through activities such as dropout prevention, credit recovery, or comprehensive career counseling services

**INVITATIONAL PRIORITY** - encouraged but not required

- **Collaborations between charter schools and traditional public schools** or districts that benefit students & families across schools.

Within the Regulations are the requirements for the applications for new schools and school expansions, as well as transparency and accountability of EMO/CMOs. More on those regulations later.

**US HOUSE OF REPRESENTATIVES ESEA APPROPRIATIONS**

The House Labor, Health & Human Services, Education & Related Services Subcommittee has recommended the following for funding in FY23:

- **Charter School Program (CSP) Grant** – the House Labor, Health & Human Services, Education and Related Agencies Subcommittee has proposed **\$400 million for FY23 - a cut of \$40 million**. The Administration proposed \$440 million - the same as the last few years.
- **Title 1** – the Subcommittee proposes a \$3 billion increase
- **Title 2** - the Subcommittee proposes a \$1 billion increase
- **Special Ed** – the Subcommittee proposes a \$2.9 billion increase
- **School Safety** – the Subcommittee proposes a \$933 million increase
- **Full-Service Community Schools** – the Subcommittee proposes a \$393 million increase

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## STATE & FEDERAL COURT CASES

### MN COURT OF APPEALS - CRUZ-GUZMAN HEARING

**On June 30<sup>th</sup>, the MN Court of Appeals** heard arguments on the issue of whether “*the Education Clause of the Minnesota Constitution is violated by a racially or socioeconomically imbalanced school system?*”

**The Plaintiffs** argue that racially or socioeconomically imbalanced (segregated) schools are a violation of the MN Constitution and thus students are denied the right to receive an adequate education.

**The State argues** that the Plaintiffs cannot just allege that racially or socioeconomically imbalanced schools deny students the right to receive an adequate education - the Plaintiffs need to prove that the state’s system of public education does not provide such an opportunity and that some specific imbalance is the cause of that failure.

**The Defendant- Intervenors** argue that the Plaintiffs have failed (have not even tried) to prove that state education policies (i.e.: school choice) enacted by the legislature are the cause or reason for what the Plaintiffs define as school “segregation” , inadequate educational outcomes, or an inadequate education.

**BOTTOM LINE: The Plaintiffs want the Court of Appeals to just declare** that racially or socioeconomically imbalanced schools are, by their very nature, a violation of the MN Constitution and deny students an adequate education. They want the Court to declare that they do not need to prove that racially or socioeconomically imbalanced schools cause an inadequate education.

**The MN Court of Appeals has 90 days to issue a ruling**, which means that a decision will come before the end of September.

### US SUPREME COURT CASES:

**1] Carson vs Makin:** this case concerns Maine school districts that provide tuition for students to attend secular private high schools, but not religious ones, in situations where the school district does not have a high school or an agreement with another district to provide high school education for its students. Almost half of the school districts in Maine do not have high schools. The question before the Court was “**If the State pays tuition for certain students at private schools as long as the schools are not religious, is that discrimination against religion?**”

The Supreme Court ruled 6-3 that in this case, it is religious discrimination. However, the Court acknowledged that states are not obligated to have such a tuition program and that only three states (Maine, Vermont, and New Hampshire) do. Within days of the court’s ruling, the Maine Attorney General declared that the parents in this case wanted their children to attend schools that discriminated against other religions and LGBTQ families, and that his office would “ensure that public money is not used to promote discrimination, intolerance, and bigotry.”

**2] Kennedy vs Bremerton School District:** this case concerns whether a football coach who engages in a personal religious observance (i.e. praying on the 50-yard line of the football field after a game) is protected from reprisal (being fired) by the government. In this situation, what began as a personal religious observance eventually led to students participating and other instances in which the coach invoked religious content with the team. The case brings up the issue of when do the personal religious actions of a public employee equate to an endorsement of religion by the government (school district)?

The Supreme Court ruled 6-3 that in this case, the coach's constitutional rights to personal religious observance were violated "*based on a mistaken view that it (school district) has a duty to suppress religious observance even as it allows comparable secular speech*".

**Note:** *The rationales the Court followed in these decisions could have significant implications over time on issues of public schools and religion.*

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**"Unleashing education from convention"** - is more than the MACS motto, it is a reminder of our purpose, our goals and it serves as a clarion **Call To Action**.

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