To support the creation and implementation of State policies, as well as the expansion of existing State policies, for improving the quality and affordability of charter school facilities.

__IN THE SENATE OF THE UNITED STATES__

MAY 9, 2023

Mr. CASSIDY (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

__A BILL__

To support the creation and implementation of State policies, as well as the expansion of existing State policies, for improving the quality and affordability of charter school facilities.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Equitable Access to
5 School Facilities Act”.

6 SEC. 2. PURPOSE.

7 The purpose of this Act is to authorize support for
8 the creation and implementation of State policies, as well
as the expansion of existing State policies, to improve the
quality and affordability of charter school facilities, includ-
ing by providing funding and financing for those facilities
and expanding charter schools’ free access to public build-
ings.

SEC. 3. FUNDING.

(a) ALLOTMENT.—Section 4302(b)(1) of the Elementary
and Secondary Education Act of 1965 (20 U.S.C.
7221a(b)(1)) is amended by inserting “not more than” be-
fore “12.5 percent”.

(b) FACILITIES FINANCING ASSISTANCE.—Section
4304(a)(1) of the Elementary and Secondary Education
Act of 1965 (20 U.S.C. 7221c(a)(1)) is amended by strik-
ing “use not less than 50 percent to”.

SEC. 4. STATE FACILITIES AID PROGRAM AUTHORIZED.

Section 4304 of the Elementary and Secondary Edu-
cation Act of 1965 (20 U.S.C. 7221c) is amended by strik-
ing subsection (k) and inserting the following:

“(k) STATE FACILITIES AID PROGRAM.—

“(1) STATE ENTITY DEFINED.—In this sub-
section, the term ‘State entity’ has the meaning
given the term in section 4303(a).

“(2) GRANTS TO STATE ENTITIES.—

“(A) GRANTS AUTHORIZED.—From the
amounts appropriated under paragraph (4) and
not reserved under paragraph (3), the Secretary shall make competitive grants to State entities to pay for the cost of establishing or enhancing, and administering, charter school facilities aid programs.

“(B) APPLICATION.—A State entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(C) SELECTION CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider, based on quantitative measures, the extent to which the activities proposed to be carried out under a grant will—

“(i) improve the equity of charter schools’ access to facilities funding and financing with a State, by reducing gaps in such funding (for both acquisitions and operating costs) between charter schools and other public schools;

“(ii) increase charter schools’ access to public buildings; and
“(iii) increase the access of charter schools in low-income and rural communities to adequate facilities.

“(D) PRIORITIES.—In making grants under this subsection, the Secretary shall give a competitive preference priority to an applicant located in a State that—

“(i) qualifies for a priority under subparagraph (A) or (C) of section 4303(g)(2);

“(ii) provides charter schools with access to tax-exempt financing;

“(iii) ensures that land-use policies within the State, such as policies regarding permits and fees, provide for the same or substantially similar treatment of charter schools as of other public schools;

“(iv) prohibits localities and other instrumentalities of the State from imposing negative deed restrictions on properties that limit charter school access, including prohibitions on charter schools purchasing surplus public property; or
“(v) ensures that charter schools have the first right of refusal to purchase surplus public property.

“(E) USES OF FUNDS.—A State entity receiving a grant under this subsection shall use such grant to carry out one or more of the following activities in the applicant’s State:

“(i) Increasing funding for, or creating financing mechanisms to support, charter schools’ acquisition, access to leasing, and renovation of facilities, which may include partnerships with local educational agencies that provide access to public buildings.

“(ii) Increasing funding for, or creating funding mechanisms to support, charter schools’ ongoing facilities costs.

“(iii) Supporting the creation of ownership models, such as local education property trusts through which municipalities set up independent public or nonprofit entities to plan, develop, and manage facilities for charter schools and other public service providers.
“(iv) Through a reserve fund, carrying out the activities described in subsection (f).

“(F) SUPPLEMENT, NOT SUPPLANT.—A State entity receiving a grant under this subsection shall use such grant only to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subsection.

“(3) NATIONAL ACTIVITIES.—From the amounts appropriated under paragraph (4), the Secretary may reserve not more than 2 percent to carry out, directly or through grants or contracts, technical assistance to grantees, evaluation of grant activities, and research and dissemination related to the purposes of this subsection.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $100,000,000 for each of the fiscal years 2024 through 2028.”.

SEC. 5. CONFORMING AMENDMENT.

Section 4311 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221j) is amended by in-
serting “(with the exception of section 4304(k))” after “this part”.

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