

Union Calendar No. 566

119TH CONGRESS
2^D SESSION

H. R. 7082

[Report No. 119–651]

To amend the Elementary and Secondary Education Act of 1965 in order to provide for greater flexibility in the Federal programs supporting the planning and implementation of charter schools.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2026

Mr. MACKENZIE introduced the following bill; which was referred to the Committee on Education and Workforce

MAY 13, 2026

Additional sponsors: Ms. TOKUDA, Mr. CARTER of Louisiana, Mr. STEIL, Mr. TORRES of New York, Ms. McDONALD RIVET, and Mr. HILL of Arkansas

MAY 13, 2026

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 15, 2026]

A BILL

To amend the Elementary and Secondary Education Act of 1965 in order to provide for greater flexibility in the Federal programs supporting the planning and implementation of charter schools.

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 “Fostering Learning and*
 5 *Excellence in Charter Schools Act” or the “FLEX Act”.*

6 **SEC. 2. FUNDING ALLOTMENT.**

7 *Section 4302 of the Elementary and Secondary Edu-*
 8 *cation Act of 1965 (20 U.S.C. 7221a) is amended—*

9 *(1) in subsection (a)(1)—*

10 *(A) by striking “and” after “the replication*
 11 *of high-quality charter schools,”; and*

12 *(B) by inserting “, and the addition or ex-*
 13 *pansion of programs at high-quality charter*
 14 *schools” after “the expansion of high-quality*
 15 *charter schools”;*

16 *(2) in subsection (b)—*

17 *(A) in paragraph (1), by striking “12.5 per-*
 18 *cent” and inserting “at least 15 percent”;*

19 *(B) in paragraph (2), by striking “22.5*
 20 *percent” and inserting “at least 25 percent”;*
 21 *and*

22 *(C) in paragraph (3), by striking “use the*
 23 *remaining” and all that follows through “para-*
 24 *graphs (1) and (2)” and inserting “reserve at*
 25 *least 30 percent”; and*

1 (3) by adding at the end the following:

2 “(d) *REMAINING AMOUNTS.*—*In the case of a remain-*
 3 *ing amount after the Secretary makes reservations of the*
 4 *amount made available under section 4311 for a fiscal year*
 5 *in accordance with paragraphs (1), (2), and (3) of sub-*
 6 *section (b), the Secretary—*

7 “(1) *shall use all of such remaining amount to*
 8 *support charter school facilities assistance under sec-*
 9 *tion 4304, carry out national activities under section*
 10 *4305, and carry out section 4303, as described in*
 11 *such paragraphs; and*

12 “(2) *may determine how to allocate such remain-*
 13 *ing amount to support or carry out, as applicable, the*
 14 *programs and activities described in each such sec-*
 15 *tion.”.*

16 **SEC. 3. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
 17 **SCHOOLS.**

18 *Section 4303 of the Elementary and Secondary Edu-*
 19 *cation Act of 1965 (20 U.S.C. 7221b) is amended—*

20 (1) *in subsection (b)—*

21 (A) *in paragraph (1)—*

22 (i) *in subparagraph (B), by striking*
 23 *“or” at the end;*

24 (ii) *in subparagraph (C), by striking*
 25 *“and” at the end and inserting “or”; and*

1 (iii) by inserting after subparagraph
2 (C) the following:

3 “(D) support the addition or expansion of
4 curricular or other offerings at a high-quality
5 charter school (provided that such addition or
6 expansion is designed and implemented in a
7 manner that will enable additional students to
8 enroll in and benefit from the school), such as
9 through the adoption of—

10 “(i) new academic programs or deliv-
11 ery models;

12 “(ii) personalized learning; or

13 “(iii) a new curricular approach;
14 and”; and

15 (B) in paragraph (2), by inserting “, in-
16 cluding costs to provide such assistance,” after
17 “provide technical assistance”;
18 (2) in subsection (c)—

19 (A) in paragraph (1), in the matter pre-
20 ceding subparagraph (A), by inserting “, over
21 the course of the grant period described in sub-
22 section (d)(1)(A)” after “shall”; and

23 (B) in paragraph (3), by adding at the end
24 the following:

1 “(C) *SINGLE-SEX SCHOOLS AND SERV-*
2 *ICES.—Nothing in this part shall be construed to*
3 *prohibit schools from providing educational serv-*
4 *ices to students of a single sex.”;*

5 *(3) in subsection (d)—*

6 *(A) in the heading of such subsection, by in-*
7 *serting “ADVANCE PAYMENTS; ” after “PEER*
8 *REVIEW; ”;*

9 *(B) in paragraph (1)(B), by striking “of*
10 *which” and all that follows through “program*
11 *design” and inserting “of which an eligible ap-*
12 *plicant may use not more than a period of time*
13 *determined by the State entity (which may not*
14 *exceed 2 years) for planning and program de-*
15 *sign”;*

16 *(C) in paragraph (2), by striking “The Sec-*
17 *retary, and each State entity awarding sub-*
18 *grants under this section, shall” and inserting*
19 *“The Secretary shall, and each State entity*
20 *awarding subgrants under this section may,”;*
21 *and*

22 *(D) by amending paragraph (3) to read as*
23 *follows:*

1 “(3) *ADVANCE PAYMENTS.*—Notwithstanding any
2 *other provision of law, the Secretary shall take such*
3 *steps as are necessary to ensure that—*

4 “(A) *an eligible applicant awarded a*
5 *subgrant by a State entity under this section*
6 *may request advance payments of subgrant funds*
7 *for the purposes described in subsection (b)(1),*
8 *and upon such request, such State entity shall*
9 *provide advance payments of such funds award-*
10 *ed to the eligible applicant in accordance with*
11 *section 200.305(b)(1) of title 2, Code of Federal*
12 *Regulations (or successor regulations);*

13 “(B) *a State entity shall be provided with*
14 *advance payments of grant funds in accordance*
15 *with section 200.305(b)(1) of title 2, Code of Fed-*
16 *eral Regulations (or successor regulations) in an*
17 *amount sufficient to provide advance payments*
18 *to an eligible applicant under subparagraph (A);*
19 *and*

20 “(C) *mutually agreed upon funding tech-*
21 *niques, such as those described in part 205.12 of*
22 *title 31, Code of Federal Regulations (or suc-*
23 *cessor regulations), are in place with States or*
24 *State entities, as appropriate, to receive funds*
25 *under this section in a manner that permits a*

1 *State entity to receive advance payments of*
 2 *grant funds, and provide to eligible applicants*
 3 *advance payments of subgrant funds, in accord-*
 4 *ance with subparagraphs (A) and (B).”;*

5 *(4) in subsection (e)(1), by striking “is currently*
 6 *using” and inserting “has not obligated all funds re-*
 7 *ceived pursuant to”;*

8 *(5) in subsection (f)—*

9 *(A) in paragraph (1)—*

10 *(i) in subparagraph (A)—*

11 *(I) by amending clause (i) to read*
 12 *as follows:*

13 *“(i) support the opening, expansion,*
 14 *and strengthening of charter schools through*
 15 *the startup of new charter schools, the rep-*
 16 *lication of high-quality charter schools, the*
 17 *expansion of high-quality charter schools,*
 18 *and the addition of programs in high-qual-*
 19 *ity schools, which shall include an initial*
 20 *projection (which may not be used to deter-*
 21 *mine a State entity’s allocation of subgrant*
 22 *funds if the State entity determines that an*
 23 *alternative allocation would better meet the*
 24 *purposes of this program) of—*

1 “(I) the number of charter schools
2 to be opened through the startup of
3 new charter schools under the program;

4 “(II) the number of charter
5 schools to be opened as a result of the
6 replication of a high-quality charter
7 school under the program; or

8 “(III) the number of high-quality
9 charter schools to be expanded under
10 the program;”;

11 (II) in subclause (II) of clause
12 (vi), by striking “in a manner con-
13 sistent with the eligible applicant’s ap-
14 plication for such subgrant”;

15 (III) in clause (xi), by inserting
16 “in the case of a State entity described
17 in subsection (a)(1) or (a)(3),” before
18 “support”; and

19 (IV) in clause (xii)—

20 (aa) in subclause (I)—

21 (AA) by striking “(I)”;

22 and

23 (BB) by striking “not
24 described in subclause (II)”

25 and inserting “described in

1 paragraphs (1), (2), or (3) of
2 subsection (a)”; and
3 (bb) by striking subclause
4 (II);
5 (ii) in subparagraph (B)(iii), by strik-
6 ing “to develop or strengthen a cohesive
7 strategy”;
8 (iii) in subparagraph (C)—
9 (I) in clause (i)(VI), by striking
10 “and” at the end;
11 (II) in clause (ii), by inserting
12 “and” at the end; and
13 (III) by adding at the end the fol-
14 lowing:
15 “(iii) a description of whether and
16 how, in lieu of requiring an application in
17 accordance with clause (i), the State entity
18 will opt to use an eligible applicant’s ap-
19 proved charter authorization application,
20 provided that such charter authorization
21 application was approved in accordance
22 with relevant State law during the year
23 preceding the date on which the State entity
24 first accepts applications for such sub-
25 grants;”;

1 (iv) by striking subparagraph (E); and
 2 (v) by redesignating subparagraphs
 3 (F) and (G) as subparagraphs (E) and (F),
 4 respectively; and
 5 (B) in paragraph (2)—

6 (i) in subparagraph (F), by striking
 7 “and” at the end;

8 (ii) in subparagraph (G)(v), by strik-
 9 ing the period at the end and inserting “;
 10 and”; and

11 (iii) by adding at the end the fol-
 12 lowing:

13 “(H) the State entity will ensure that each
 14 charter school receiving funds under the State
 15 entity’s program will address the transportation
 16 needs of their students.”;

17 (6) in subsection (g)(1)—

18 (A) by striking subparagraph (B) (and re-
 19 designating subparagraphs (C) through (E) as
 20 (B) through (D), respectively); and

21 (B) in subparagraph (C), by striking “meet
 22 those objectives and”;

23 (7) in subsection (h)—

24 (A) by amending paragraph (1)(B) to read
 25 as follows:

1 “(B) hiring and compensating teachers,
2 school leaders, or specialized instructional sup-
3 port personnel.”;

4 (B) in paragraph (2)—

5 (i) by inserting “academic subscrip-
6 tions (including digital and online sub-
7 scriptions),” after “training,”; and

8 (ii) by inserting “curricular support,”
9 after “(including technology),”;

10 (C) by amending paragraph (3) to read as
11 follows:

12 “(3) In order to ensure that a school building
13 complies with applicable statutes and regulations,
14 carrying out necessary renovations, upgrades, or fa-
15 cilities repairs, or acquiring portable classrooms.”;

16 (D) in paragraph (4), by striking “one-
17 time, startup”;

18 (E) in paragraph (6), by striking “appro-
19 priate, non-sustained”; and

20 (F) by adding at the end the following:

21 “(7) Providing costs associated with operations
22 and management of the charter school facility.”; and

23 (8) in subsection (i)—

24 (A) by striking “of the third year”; and

1 (B) by striking “(or at the end of the second
2 year of the grant period if the grant is less than
3 5 years), and at the end of such grant period”.

4 **SEC. 4. NATIONAL ACTIVITIES; GRANTS TO CHARTER MAN-**
5 **AGEMENT ORGANIZATIONS.**

6 Section 4305 of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 7221d) is amended—

8 (1) by amending subsection (a) to read as fol-
9 lows:

10 “(a) *IN GENERAL.*—From the amount reserved under
11 section 4302(b)(2), the Secretary shall—

12 “(1) use not more than 10 percent of such funds
13 to—

14 “(A) provide support and technical assist-
15 ance to—

16 “(i) State entities in awarding sub-
17 grants under section 4303(b)(1); and

18 “(ii) eligible entities and States receiv-
19 ing grants under section 4304;

20 “(B) disseminate best practices regarding
21 charter schools;

22 “(C) increase access to facilities (including
23 funding and financing for facilities) for charter
24 schools;

1 “(D) increase the number of available seats
2 in charter schools through early-stage charter
3 school planning;

4 “(E) increase the number of available seats
5 in charter schools that—

6 “(i) are located in States that have en-
7 acted legislation within a period of 5 years
8 prior to the award of a grant under this
9 section for such purpose;

10 “(ii) serve rural students; and

11 “(iii) serve students with disabilities;

12 and

13 “(F) evaluate the impact of the charter
14 school program carried out under this part, in-
15 cluding with respect to student achievement;

16 “(2) use not more than 15 percent of such funds
17 to award grants, on a competitive basis, to eligible
18 applicants for the purpose of carrying out the activi-
19 ties described in section 4303(h) in a State that did
20 not receive a grant under section 4303; and

21 “(3) after the uses described in paragraphs (1)
22 and (2), use the remainder of such funds to award
23 grants in accordance with subsection (b); and”.

24 (2) in subsection (b)—

25 (A) in paragraph (3)(B)—

1 *(i) in clause (ii)—*

2 *(I) in subclause (I), by inserting*

3 *“and” at the end;*

4 *(II) in subclause (II), by striking*

5 *“and” and the end; and*

6 *(III) by striking subclause (III);*

7 *and*

8 *(ii) in clause (iii), by striking “, which*

9 *shall include a multi-year financial and op-*

10 *erating model for the eligible entity”; and*

11 *(B) in paragraph (5)—*

12 *(i) in subparagraph (C)(ii), by strik-*

13 *ing “or” at the end;*

14 *(ii) in subparagraph (D), by striking*

15 *the period at the end and inserting “; or”;*

16 *and*

17 *(iii) by adding at the end the fol-*

18 *lowing:*

19 *“(E) plan to operate or manage high-qual-*

20 *ity charter schools in—*

21 *“(i) States in which, as of the date on*

22 *which the eligible entity submits an appli-*

23 *cation under paragraph (3), the eligible en-*

24 *tity does not operate or manage a charter*

25 *school; or*

1 “(ii) *States with limited charter school*
 2 *options.*”.

3 **SEC. 5. SOLICITATION OF INPUT FROM CHARTER SCHOOL**
 4 **OPERATORS.**

5 *Section 4307 of the Elementary and Secondary Edu-*
 6 *cation Act of 1965 (20 U.S.C. 7221f) is amended—*

7 (1) *by striking “To the extent practicable, the*
 8 *Secretary” and inserting “The Secretary”;*

9 (2) *by inserting “, prior to the issuance of a no-*
 10 *tice of proposed rulemaking,” after “are consulted”;*
 11 *and*

12 (3) *by striking “this subpart” and inserting*
 13 *“this part”.*

14 **SEC. 6. PAPERWORK REDUCTION AND REGULATION.**

15 *Section 4309 of the Elementary and Secondary Edu-*
 16 *cation Act of 1965 (20 U.S.C. 7221h) is amended—*

17 (1) *in the heading, by inserting “**AND REGULA-***
 18 ***TION*” at the end;**

19 (2) *by striking “To the extent practicable, the”*
 20 *and inserting the following:*

21 “(a) *PAPERWORK REDUCTION.—The*”;

22 (3) *by striking “this subpart” and inserting*
 23 *“this part”;*

1 (4) by striking “or charter school” and inserting
 2 “, charter school, or State entity (as defined in section
 3 4303)”; and

4 (5) by adding at the end the following:

5 “(b) *REGULATION.*—In meeting the requirement under
 6 subsection (a), the Secretary shall promulgate only such
 7 regulations as are necessary for the administration of this
 8 part and shall not impose additional nonstatutory require-
 9 ments on those entities subject to the regulations.”.

10 **SEC. 7. DEFINITIONS.**

11 Section 4310(2)(D) of the Elementary and Secondary
 12 Education Act of 1965 (20 U.S.C. 7221i(2)(D)) is amended
 13 by inserting “(which may include other educational pro-
 14 grams, pursuant to State law)” after “education”.

15 **SEC. 8. APPLICABILITY.**

16 (a) *IN GENERAL.*—This Act and the amendments
 17 made by this Act shall apply with respect to grants awarded
 18 under sections 4303 and 4305 of the Elementary and Sec-
 19 ondary Education Act of 1965 (20 U.S.C. 7221b; 7221d)
 20 on or after the date of the enactment of this Act.

21 (b) *EXCEPTION.*—An entity that received a grant
 22 under a section described in subsection (a) prior to the date
 23 of the enactment of this Act for which the applicable grant
 24 period has not expired may elect to, for the remainder of

- 1 *such grant period, carry out such grant in accordance with*
- 2 *this Act and the amendments made by this Act.*

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