

117TH CONGRESS
2D SESSION

S. 5318

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

DECEMBER 20, 2022

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

1 as the expansion of existing State policies, to improve the
 2 quality and affordability of charter school facilities, includ-
 3 ing by providing funding and financing for those facilities
 4 and expanding charter schools' free access to public build-
 5 ings.

6 **SEC. 3. FUNDING.**

7 (a) ALLOTMENT.—Section 4302(b)(1) of the Elemen-
 8 tary and Secondary Education Act of 1965 (20 U.S.C.
 9 7221a(b)(1)) is amended by inserting “not more than” be-
 10 fore “12.5 percent”.

11 (b) FACILITIES FINANCING ASSISTANCE.—Section
 12 4304(a)(1) of the Elementary and Secondary Education
 13 Act of 1965 (20 U.S.C. 7221c(a)(1)) is amended by strik-
 14 ing “use not less than 50 percent to”.

15 **SEC. 4. STATE FACILITIES AID PROGRAM AUTHORIZED.**

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

19 “(k) STATE FACILITIES AID PROGRAM.—

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

23 “(2) GRANTS TO STATE ENTITIES.—

24 “(A) GRANTS AUTHORIZED.—From the
 25 amounts appropriated under paragraph (4) and

1 not reserved under paragraph (3), the Secretary
2 shall make competitive grants to State entities
3 to pay for the cost of establishing or enhancing,
4 and administering, charter school facilities aid
5 programs.

6 “(B) APPLICATION.—A State entity desir-
7 ing to receive a grant under this subsection
8 shall submit an application to the Secretary at
9 such time, in such manner, and containing such
10 information as the Secretary may require.

11 “(C) SELECTION CONSIDERATIONS.—In
12 making grants under this subsection, the Sec-
13 retary shall consider, based on quantitative
14 measures, the extent to which the activities pro-
15 posed to be carried out under a grant will—

16 “(i) improve the equity of charter
17 schools’ access to facilities funding and fi-
18 nancing with a State, by reducing gaps in
19 such funding (for both acquisitions and op-
20 erating costs) between charter schools and
21 other public schools;

22 “(ii) increase charter schools’ access
23 to public buildings; and

1 “(iii) increase the access of charter
2 schools in low-income and rural commu-
3 nities to adequate facilities.

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

8 “(i) qualifies for a priority under sub-
9 paragraph (A) or (C) of section
10 4303(g)(2);

11 “(ii) provides charter schools with ac-
12 cess to tax-exempt financing;

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

18 “(iv) prohibits localities and other in-
19 strumentalities of the State from imposing
20 negative deed restrictions on properties
21 that limit charter school access, including
22 prohibitions on charter schools purchasing
23 surplus public property; or

1 “(v) ensures that charter schools have
2 the first right of refusal to purchase sur-
3 plus public property.

4 “(E) USES OF FUNDS.—A State entity re-
5 ceiving a grant under this subsection shall use
6 such grant to carry out one or more of the fol-
7 lowing activities in the applicant’s State:

8 “(i) Increasing funding for, or cre-
9 ating financing mechanisms to support,
10 charter schools’ acquisition, access to leas-
11 ing, and renovation of facilities, which may
12 include partnerships with local educational
13 agencies that provide access to public
14 buildings.

15 “(ii) Increasing funding for, or cre-
16 ating funding mechanisms to support,
17 charter schools’ ongoing facilities costs.

18 “(iii) Supporting the creation of own-
19 ership models, such as local education
20 property trusts through which municipali-
21 ties set up independent public or nonprofit
22 entities to plan, develop, and manage fa-
23 cilities for charter schools and other public
24 service providers.

1 “(iv) Through a reserve fund, car-
 2 rying out the activities described in sub-
 3 section (f).

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

10 “(3) NATIONAL ACTIVITIES.—From the
 11 amounts appropriated under paragraph (4), the Sec-
 12 retary may reserve not more than 2 percent to carry
 13 out, directly or through grants or contracts, tech-
 14 nical assistance to grantees, evaluation of grant ac-
 15 tivities, and research and dissemination related to
 16 the purposes of this subsection.

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

21 **SEC. 5. CONFORMING AMENDMENT.**

22 Section 4311 of the Elementary and Secondary Edu-
 23 cation Act of 1965 (20 U.S.C. 7221j) is amended by in-

- 1 serting “(with the exception of section 4304(k))” after
- 2 “this part”.

