

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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 and to authorize the provision of technical assistance that will support the growth and expansion of high-quality charter schools.

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

## **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 and to authorize the provision of technical assistance that will support the growth and expansion of high-quality 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 “Equitable Access to  
5 School Facilities Act”.

1   **SEC. 2. PURPOSE.**

2       The purpose of this Act is to support the creation  
3   and implementation of State policies, as well as the expan-  
4   sion of existing State policies, to—

5           (1) improve the quality and affordability of  
6       charter school facilities, including by providing fund-  
7       ing and financing for those facilities and expanding  
8       charter schools’ access to public buildings; and

9           (2) authorize the provision of technical assist-  
10      ance that will support the growth and expansion of  
11      high-quality charter schools.

12   **SEC. 3. FUNDING.**

13       (a) ALLOTMENT.—Section 4302(b)(1) of the Elemen-  
14   tary and Secondary Education Act of 1965 (20 U.S.C.  
15   7221a(b)(1) is amended by inserting “not more than” be-  
16   fore “12.5 percent”.

17       (b) FACILITIES FINANCING ASSISTANCE.—Section  
18   4304(a)(1) of the Elementary and Secondary Education  
19   Act of 1965 (20 U.S.C. 7221c(a)(1)) is amended by strik-  
20   ing “use not less than 50 percent to”.

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

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

25       “(k) STATE FACILITIES AID PROGRAM.—

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

4           “(2) GRANTS TO STATE ENTITIES.—

5                 “(A) GRANTS AUTHORIZED.—From the  
6           amounts appropriated under paragraph (5) and  
7           not reserved under paragraph (3), the Secretary  
8           shall make competitive grants to State entities  
9           to pay for the cost of establishing or enhancing,  
10          and administering, charter school facilities aid  
11          programs.

12                “(B) APPLICATION.—A State entity desir-  
13          ing to receive a grant under this subsection  
14          shall submit an application to the Secretary at  
15          such time, in such manner, and containing such  
16          information as the Secretary may require.

17                “(C) SELECTION CONSIDERATIONS.—In  
18          making grants under this subsection, the Sec-  
19          retary shall consider, based on quantitative  
20          measures, the extent to which the activities pro-  
21          posed to be carried out under a grant will—

22                         “(i) improve the equity of charter  
23                         schools’ access to facilities funding and fi-  
24                         nancing within a State, by reducing gaps  
25                         in such funding and financing (for both ac-

1                   quisitions and operating costs) between  
2                   charter schools and other public schools;

3                   “(ii) increase charter schools’ access  
4                   to public buildings; and

5                   “(iii) increase the access of charter  
6                   schools in low-income and rural commu-  
7                   nities to adequate facilities.

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

12                  “(i) qualifies for a priority under sub-  
13                  paragraph (A) or (C) of section  
14                  4303(g)(2);

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

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

22                  “(iv) prohibits localities and other in-  
23                  strumentalities of the State from imposing  
24                  negative deed restrictions on properties  
25                  that limit charter school access, including

1 prohibitions or restrictions on charter  
2 schools purchasing surplus public property;  
3 or

4 “(v) ensures that charter schools have  
5 the first right of refusal to purchase sur-  
6 plus public property.

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

11 “(i) Increasing funding for, creating,  
12 or improving financing mechanisms to sup-  
13 port charter schools’ acquisition, access to  
14 leasing, and construction or renovation of  
15 facilities, which may include partnerships  
16 with local educational agencies that provide  
17 access to public buildings.

18 “(ii) Increasing funding for, or cre-  
19 ating funding mechanisms to support,  
20 charter schools’ ongoing facilities costs.

21 “(iii) Supporting the creation of alter-  
22 native ownership models, to plan, develop,  
23 and manage facilities for charter schools  
24 and other public service providers.

1                   “(iv)(I) In the case of a State entity  
2                   that is not receiving a grant under sub-  
3                   section (a), establishing and maintaining a  
4                   reserve account described in subsection (f)  
5                   and depositing all, or a portion of, the  
6                   grant funds received under this subsection  
7                   in such reserve account for one or more of  
8                   the purposes described subsection (f)(1).

9                   “(II) In the case of a State entity  
10                  that is receiving a grant under subsection  
11                  (a), depositing all, or a portion of, the  
12                  grant funds received under this subsection  
13                  in the reserve account established and  
14                  maintained by the State entity under sub-  
15                  section (f).

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

22                  “(3) NATIONAL ACTIVITIES.—From the  
23                  amounts appropriated under paragraph (5), the Sec-  
24                  retary may reserve not more than 2 percent to carry  
25                  out, directly or through grants or contracts, tech-

1 nical assistance to grantees, evaluation of grant ac-  
2 tivities, and research and dissemination related to  
3 the purposes of this subsection.”.

4 “(4) NO FEDERAL INTEREST.—The financial  
5 assistance provided through grants made under this  
6 subsection shall not create a ‘Federal interest’ as  
7 such term is defined in section 200.1 of title 2, Code  
8 of Federal Regulations (or successor regulations).”.

9 “(5) AUTHORIZATION OF APPROPRIATIONS.—  
10 There are authorized to be appropriated to carry out  
11 this subsection \$100,000,000 for each of fiscal years  
12 2026 through 2030.”.

13 **SEC. 5. CREDIT ENHANCEMENT FOR CHARTER SCHOOL FA-**  
14 **CILITIES PROGRAM.**

15 Section 4304(h)(2) of the Elementary and Secondary  
16 Education Act of 1965 (20 U.S.C. 7221c(h)(2)) is amend-  
17 ed by striking subparagraph (A) and inserting the fol-  
18 lowing:

19 “(A) GRANTEE ANNUAL REPORTS.—Each  
20 eligible entity receiving a grant under sub-  
21 section (a) before the date of enactment of the  
22 Equitable Access to School Facilities Act shall  
23 submit to the Secretary (for a period of 10  
24 years after the award of such grant) an annual  
25 report of the entity’s operations and activities

1 under this section (excluding subsection (k)).”;  
2 and

3 **SEC. 6. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
4 **SCHOOLS.**

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

7 (1) in subsection (b)—

8 (A) in paragraph (1)(C), by striking “and”  
9 after the semicolon;

10 (B) by striking the period at the end of  
11 paragraph (2) and inserting “; and”; and

12 (C) by inserting after paragraph (2) the  
13 following:

14 “(3) provide assistance in locating and access-  
15 ing a facility or provide one-time assistance to any  
16 planned or operating charter schools in the State in  
17 ensuring that a facility complies with local building  
18 codes and is equipped to support provision of a high-  
19 quality education.”;

20 (2) in subsection (c)(1)—

21 (A) in subparagraph (A), striking “90 per-  
22 cent” and inserting “80 percent”;

23 (B) by striking “and” after subparagraph  
24 (B);



1 (C) by striking the period at the end of  
2 subparagraph (C) and inserting “; and”; and

3 (D) by inserting after subparagraph (C):

4 “(D) reserve not more than 10 percent of  
5 such funds for the establishment of a revolving  
6 loan fund, which may be used to make loans,  
7 under such terms as may be established by the  
8 State entity, to—

9 “(i) eligible applicants that have re-  
10 ceived a subgrant under this section, for  
11 the initial operation (during the sub-  
12 grantee’s project period) of the applicant’s  
13 charter school or schools; and

14 “(ii) eligible applicants for obtaining,  
15 renovating, or rehabilitating facilities for  
16 planned or operating charter schools in the  
17 State.”; and

18 (3) by striking paragraph (3) of subsection (h)  
19 and inserting:

20 “(3) Carrying out repair, renovation, or con-  
21 struction activity to ensure that a school building  
22 complies with applicable statutes and regulations  
23 and is equipped to support provision of a high-qual-  
24 ity education.”.

1   **SEC. 7. NATIONAL PROGRAMS.**

2           Section 4305(a)(3) of the Elementary and Secondary  
3   Education Act of 1965 (20 U.S.C. 7221d(a)(3)) is amend-  
4   ed—

5           (1) in subparagraph (A), in the matter pre-  
6   ceding clause (i), by striking “disseminate” and in-  
7   serting “provide support and”;

8           (2) in subparagraph (B), by inserting “identify  
9   and” before “disseminate”;

10          (3) by redesignating subparagraph (C) as sub-  
11   paragraph (D); and

12          (4) by inserting the following after subpara-  
13   graph (B):

14           “(C) support activities related to—

15           “(i) charter schools’ access to facili-  
16   ties, and facilities funding and financing;

17           “(ii) charter school authorizer quality  
18   and oversight;

19           “(iii) supporting States that have en-  
20   acted legislation (within a period of 5 years  
21   prior to the award of a grant under this  
22   section) for such purpose to facilitate the  
23   authorization of charter schools within  
24   such States; and

25           “(iv) identifying best practices that  
26   support, or remove barriers to, early-stage

1 charter school planning, charter schools  
2 serving rural students, charter schools  
3 serving students with disabilities, and inno-  
4 vative models.”.