

118TH CONGRESS  
2D SESSION

# H. R. 9853

To amend the Elementary and Secondary Education Act of 1965 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 for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2024

Mrs. STEEL introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 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 for other purposes.

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—

1           (1) to support the creation and implementation  
2 of State policies, as well as the expansion of existing  
3 State policies, to improve the quality and afford-  
4 ability of charter school facilities, including by pro-  
5 viding funding and financing for those facilities and  
6 expanding charter schools' access to public buildings;  
7 and

8           (2) to make other improvements to the Federal  
9 Charter Schools Program.

10 **SEC. 3. AMENDMENTS TO STATE FACILITIES AID PROGRAM.**

11       Section 4304(k) of the Elementary and Secondary  
12 Education Act of 1965 (20 U.S.C. 7221e(k)) is amended  
13 to read as follows:

14       “(k) STATE FACILITIES AID PROGRAM.—

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

18           “(2) GRANTS TO STATE ENTITIES.—

19           “(A) GRANTS AUTHORIZED.—From the  
20 amount reserved under section 4302(b)(1) and  
21 remaining after the Secretary makes grants  
22 under subsection (a) and reserves funds under  
23 paragraph (3) of this subsection, the Secretary  
24 shall make grants, on a competitive basis, to  
25 State entities to pay for the cost of establishing

1 or enhancing, and administering, charter school  
2 facilities aid programs.

3 “(B) APPLICATION.—A State entity desir-  
4 ing to receive a grant under this subsection  
5 shall submit an application to the Secretary at  
6 such time, and in such manner, as the Sec-  
7 retary may require, and containing the informa-  
8 tion needed for the considerations and priorities  
9 described in subparagraphs (C) and (D).

10 “(C) SELECTION CONSIDERATIONS.—In  
11 making grants under this subsection, the Sec-  
12 retary shall consider the extent to which the ac-  
13 tivities proposed to be carried out under a grant  
14 will—

15 “(i) increase charter schools’ access to  
16 State funds or financing for acquiring or  
17 operating facilities, including by reducing  
18 the gaps to such access between charter  
19 schools and other public schools in the  
20 same State;

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

23 “(iii) increase the access of charter  
24 schools in low-income and rural commu-  
25 nities to adequate facilities.

1           “(D) PRIORITIES.—In making grants  
2 under this subsection, the Secretary shall give  
3 a competitive preference priority to a State en-  
4 tity located in a State that—

5           “(i) qualifies for a priority under sub-  
6 paragraph (A) or (C) of section  
7 4303(g)(2);

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

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

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

21          “(E) USES OF FUNDS.—A State entity re-  
22 ceiving a grant under this subsection shall use  
23 such grant to carry out one or more of the fol-  
24 lowing activities in the State in which the State  
25 entity is located:

1           “(i) Increasing funding for, or cre-  
2           ating financing mechanisms to support,  
3           charter schools’ acquisition, access to leas-  
4           ing, and renovation of facilities, which may  
5           include partnerships with local educational  
6           agencies that provide access to public  
7           buildings.

8           “(ii) Increasing funding for, or cre-  
9           ating funding mechanisms to support,  
10          charter schools’ ongoing facilities costs.

11          “(iii) Supporting the creation of alter-  
12          nate ownership models to plan, develop,  
13          and manage facilities for charter schools  
14          and other public service providers.

15          “(iv)(I) In the case of a State entity  
16          that is not receiving a grant under sub-  
17          section (a), establishing and maintaining a  
18          reserve account described in subsection (f)  
19          and depositing all, or a portion of, the  
20          grant funds received under this subsection  
21          in such reserve account for one or more of  
22          the purposes described subsection (f)(1).

23          “(II) In the case of a State entity  
24          that is receiving a grant under subsection  
25          (a), depositing all, or a portion of, the

1 grant funds received under this subsection  
2 in the reserve account established and  
3 maintained by the State entity under sub-  
4 section (f).

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

11 “(3) NATIONAL ACTIVITIES.—From the amount  
12 reserved under section 4302(b)(1) and remaining  
13 after the Secretary makes grants under subsection  
14 (a), the Secretary may reserve not more than 2 per-  
15 cent to carry out, directly or through grants or con-  
16 tracts, technical assistance to State entities receiving  
17 grants under this subsection, evaluation of grant ac-  
18 tivities, and research and dissemination related to  
19 the purposes of this subsection.”.

20 **SEC. 4. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
21 **SCHOOLS.**

22 (a) LIMITATIONS ON PROVISION OF GRANTS TO A  
23 STATE.—Section 4303(e)(1) of the Elementary and Sec-  
24 ondary Education Act of 1965 (20 U.S.C. 7221b(e)(1))

1 is amended by striking “is currently using” and inserting  
2 “has not fully obligated all funds received through”.

3 (b) AWARDING OF SUBGRANTS.—Section  
4 4303(f)(1)(A)(i) of the Elementary and Secondary Edu-  
5 cation Act of 1965 (20 U.S.C. 7221b(f)(1)(A)(i)) is  
6 amended—

7 (1) by striking “the proposed number” and in-  
8 serting “an initial projection of the number”; and

9 (2) by inserting “, provided that such initial  
10 projection shall not govern a State entity’s allocation  
11 of subgrant funds if the State entity determines,  
12 after selecting subgrantees, that an alternative allo-  
13 cation would better meet the purposes of the pro-  
14 gram” after “the State entity’s program”.

15 (c) USES OF FUNDS.—Section 4303(h)(1)(B) of the  
16 Elementary and Secondary Education Act of 1965 (20  
17 U.S.C. 7221b(h)(1)(B)) is amended by inserting “or ini-  
18 tial implementation” after “planning”.

19 (d) NO-COST EXTENSIONS OF GRANT PROJECT PE-  
20 RIODS.—Section 4303 of the Elementary and Secondary  
21 Education Act of 1965 (20 U.S.C. 7221b) is amended by  
22 adding at the end the following:

23 “(j) EXTENSION OF PROJECT PERIODS.—In making  
24 grants under this section and under section 4305(b), the  
25 Secretary shall approve requests by a grantee to extend

- 1 its project period if the grantee can present evidence that
- 2 additional time is needed for project activities because of
- 3 factors out of the grantee's control.”.

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