

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7082

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2026

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

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## 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  
5 and Excellence in Charter Schools Act” or the “FLEX  
6 Act”.

1 **SEC. 2. FUNDING ALLOTMENT.**

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

4 (1) in subsection (a)(1)—

5 (A) by striking “and” after “the replica-  
6 tion of high-quality charter schools,”; and

7 (B) by inserting “, and the addition or ex-  
8 pansion of programs at high-quality charter  
9 schools” after “the expansion of high-quality  
10 charter schools”;

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking “12.5  
13 percent” and inserting “at least 15 percent”;

14 (B) in paragraph (2), by striking “22.5  
15 percent” and inserting “at least 25 percent”;  
16 and

17 (C) in paragraph (3), by striking “use the  
18 remaining” and all that follows through “para-  
19 graphs (1) and (2)” and inserting “reserve at  
20 least 30 percent”; and

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

22 “(d) REMAINING AMOUNTS.—In the case of a re-  
23 maining amount after the Secretary makes reservations  
24 of the amount made available under section 4311 for a  
25 fiscal year in accordance with paragraphs (1), (2), and (3)  
26 of subsection (b), the Secretary—

1           “(1) shall use all of such remaining amount to  
2           support charter school facilities assistance under sec-  
3           tion 4304, carry out national activities under section  
4           4305, and carry out section 4303, as described in  
5           such paragraphs; and

6           “(2) may determine how to allocate such re-  
7           maining amount to support or carry out, as applica-  
8           ble, the programs and activities described in each  
9           such section.”.

10 **SEC. 3. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
11 **SCHOOLS.**

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

14           (1) in subsection (b)—

15           (A) in paragraph (1)—

16           (i) in subparagraph (B), by striking  
17           “or” at the end;

18           (ii) in subparagraph (C), by striking  
19           “and” at the end and inserting “or”; and

20           (iii) by inserting after subparagraph  
21           (C) the following:

22           “(D) support the addition or expansion of  
23           curricular or other offerings at a high-quality  
24           charter school (provided that such addition or  
25           expansion is designed and implemented in a

1 manner that will enable additional students to  
2 enroll in and benefit from the school), such as  
3 through the adoption of—

4 “(i) new academic programs or deliv-  
5 ery models;

6 “(ii) personalized learning; or

7 “(iii) a new curricular approach;  
8 and”; and

9 (B) in paragraph (2), by inserting “, in-  
10 cluding costs to provide such assistance,” after  
11 “provide technical assistance”;

12 (2) in subsection (c)—

13 (A) in paragraph (1), in the matter pre-  
14 ceeding subparagraph (A), by inserting “, over  
15 the course of the grant period described in sub-  
16 section (d)(1)(A)” after “shall”; and

17 (B) in paragraph (3), by adding at the end  
18 the following:

19 “(C) SINGLE-SEX SCHOOLS AND SERV-  
20 ICES.—Nothing in this part shall be construed  
21 to prohibit schools from providing educational  
22 services to students of a single sex.”;

23 (3) in subsection (d)—

24 (A) in paragraph (1)(B), by striking “of  
25 which” and all that follows through “program

1 design” and inserting “of which an eligible ap-  
2 plicant may use not more than a period of time  
3 determined by the State entity (which may not  
4 exceed 2 years) for planning and program de-  
5 sign”;

6 (B) in paragraph (2), by striking “The  
7 Secretary, and each State entity awarding sub-  
8 grants under this section, shall” and inserting  
9 “The Secretary shall, and each State entity  
10 awarding subgrants under this section may,”;

11 (C) by striking paragraph (3); and

12 (D) by redesignating paragraphs (4) and  
13 (5) as paragraphs (3) and (4), respectively;

14 (4) in subsection (e)(1), by striking “is cur-  
15 rently using” and inserting “has not obligated all  
16 funds received pursuant to”;

17 (5) in subsection (f)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A)—

20 (I) by amending clause (i) to  
21 read as follows:

22 “(i) support the opening, expansion,  
23 and strengthening of charter schools  
24 through the startup of new charter schools,  
25 the replication of high-quality charter

1 schools, the expansion of high-quality char-  
2 ter schools, and the addition of programs  
3 in high-quality schools, which shall include  
4 an initial projection (which may not be  
5 used to determine a State entity's alloca-  
6 tion of subgrant funds if the State entity  
7 determines that an alternative allocation  
8 would better meet the purposes of this pro-  
9 gram) of—

10 “(I) the number of charter  
11 schools to be opened through the  
12 startup of new charter schools under  
13 the program;

14 “(II) the number of charter  
15 schools to be opened as a result of the  
16 replication of a high-quality charter  
17 school under the program; or

18 “(III) the number of high-quality  
19 charter schools to be expanded under  
20 the program;”;

21 (II) in subclause (II) of clause  
22 (vi), by striking “in a manner con-  
23 sistent with the eligible applicant’s ap-  
24 plication for such subgrant”;

1 (III) in clause (xi), by inserting  
2 “in the case of a State entity de-  
3 scribed in subsection (a)(1) or  
4 (a)(3),” before “support”; and

5 (IV) in clause (xii)—

6 (aa) in subclause (I)—

7 (AA) by striking “(I)”;

8 and

9 (BB) by striking “not  
10 described in subclause (II)”

11 and inserting “described in  
12 paragraphs (1), (2), or (3)  
13 of subsection (a)”;

14 (bb) by striking subclause  
15 (II);

16 (ii) in subparagraph (B)(iii), by strik-  
17 ing “to develop or strengthen a cohesive  
18 strategy”;

19 (iii) in subparagraph (C)—

20 (I) in clause (i)(VI), by striking  
21 “and” at the end;

22 (II) in clause (ii), by inserting  
23 “and” at the end; and

24 (III) by adding at the end the  
25 following:

1           “(iii) a description of whether and  
2           how, in lieu of requiring an application in  
3           accordance with clause (i), the State entity  
4           will opt to use an eligible applicant’s ap-  
5           proved charter authorization application,  
6           provided that such charter authorization  
7           application was approved in accordance  
8           with relevant State law during the year  
9           preceding the date on which the State enti-  
10          ty first accepts applications for such sub-  
11          grants;” and

12           (iv) by striking subparagraph (E);  
13          and

14           (v) by redesignating subparagraphs  
15          (F) and (G) as subparagraphs (E) and  
16          (F), respectively; and  
17          (B) in paragraph (2)—

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

20           (ii) in subparagraph (G)(v), by strik-  
21          ing the period at the end and inserting “;  
22          and”; and

23           (iii) by adding at the end the fol-  
24          lowing:

1           “(H) the State entity will ensure that each  
2 charter school receiving funds under the State  
3 entity’s program will address the transportation  
4 needs of their students.”;

5           (6) in subsection (g)(1)—

6                 (A) by striking subparagraph (B); and

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

9           (7) in subsection (h)—

10                 (A) by amending paragraph (1)(B) to read  
11 as follows:

12                 “(B) hiring and compensating teachers,  
13 school leaders, or specialized instructional sup-  
14 port personnel.”;

15                 (B) in paragraph (2)—

16                         (i) by inserting “academic subscrip-  
17 tions (including digital and online subscrip-  
18 tions),” after “training,”; and

19                         (ii) by inserting “curricular support,”  
20 after “(including technology),”;

21                 (C) by amending paragraph (3) to read as  
22 follows:

23                 “(3) In order to ensure that a school building  
24 complies with applicable statutes and regulations,

1 carrying out necessary renovations, upgrades, or fa-  
2 cilities repairs, or acquiring portable classrooms.”;

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

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

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

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

10 (8) in subsection (i)—

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

12 (B) by striking “(or at the end of the sec-  
13 ond year of the grant period if the grant is less  
14 than 5 years), and at the end of such grant pe-  
15 riod”.

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

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

20 (1) by amending subsection (a) to read as fol-  
21 lows:

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

24 “(1) use not more than 10 percent of such  
25 funds to—

1           “(A) provide support and technical assist-  
2           ance to—

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

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

7           “(B) disseminate best practices regarding  
8           charter schools;

9           “(C) increase access to facilities (including  
10           funding and financing for facilities) for charter  
11           schools;

12           “(D) increase the number of available  
13           seats in charter schools through early-stage  
14           charter school planning;

15           “(E) increase the number of available seats  
16           in charter schools that—

17                   “(i) are located in States that have  
18                   enacted legislation within a period of 5  
19                   years prior to the award of a grant under  
20                   this section for such purpose;

21                   “(ii) serve rural students; and

22                   “(iii) serve students with disabilities;

23           and

24           “(F) evaluate the impact of the charter  
25           school program carried out under this part, in-

1 including with respect to student achievement;  
2 and

3 “(2) after the uses described in paragraph (1),  
4 use the remainder of such funds to—

5 “(A) award grants in accordance with sub-  
6 section (b); and

7 “(B) award grants, on a competitive basis,  
8 to eligible applicants for the purpose of carrying  
9 out the activities described in section 4303(h)  
10 in a State that did not receive a grant under  
11 such section.”; and

12 (2) in subsection (b)—

13 (A) in paragraph (3)(B)—

14 (i) in clause (ii)—

15 (I) in subclause (I), by inserting  
16 “and” at the end;

17 (II) in subclause (II), by striking  
18 “and” and the end; and

19 (III) by striking subclause (III);  
20 and

21 (ii) in clause (iii), by striking “, which  
22 shall include a multi-year financial and op-  
23 erating model for the eligible entity”; and

24 (B) in paragraph (5)—

1 (i) in subparagraph (C)(ii), by strik-  
2 ing “or” at the end;

3 (ii) in subparagraph (D), by striking  
4 the period at the end and inserting “; or”;  
5 and

6 (iii) by adding at the end the fol-  
7 lowing:

8 “(E) plan to operate or manage high-quality  
9 charter schools in—

10 “(i) States in which, as of the date on  
11 which the eligible entity submits an appli-  
12 cation under paragraph (3), the eligible en-  
13 tity does not operate or manage a charter  
14 school; or

15 “(ii) States with limited charter school  
16 options.”.

17 **SEC. 5. SOLICITATION OF INPUT FROM CHARTER SCHOOL**  
18 **OPERATORS.**

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

21 (1) by striking “To the extent practicable, the  
22 Secretary” and inserting “The Secretary”;

23 (2) by inserting “, prior to the issuance of a no-  
24 tice of proposed rulemaking,” after “are consulted”;  
25 and

1           (3) by striking “this subpart” and inserting  
2           “this part”.

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

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

6           (1) in the heading, by inserting “**AND REGU-**  
7           **LATION**” at the end;

8           (2) by striking “To the extent practicable, the”  
9           and inserting the following:

10          “(a) PAPERWORK REDUCTION.—The”;

11          (3) by striking “this subpart” and inserting  
12          “this part”;

13          (4) by striking “or charter school” and insert-  
14          ing “, charter school, or State entity (as defined in  
15          section 4303)”; and

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

17          “(b) REGULATION.—In meeting the requirement  
18          under subsection (a), the Secretary shall promulgate only  
19          such regulations as are necessary for the administration  
20          of this part and shall not impose additional nonstatutory  
21          requirements on those entities subject to the regulations.”.

22 **SEC. 7. DEFINITIONS.**

23          Section 4310(2)(D) of the Elementary and Secondary  
24          Education Act of 1965 (20 U.S.C. 7221i(2)(D)) is amend-

1 ed by inserting “(which may include other educational pro-  
2 grams, pursuant to State law)” after “education”.

3 **SEC. 8. APPLICABILITY.**

4 (a) **IN GENERAL.**—This Act and the amendments  
5 made by this Act shall apply with respect to grants award-  
6 ed under sections 4303 and 4305 of the Elementary and  
7 Secondary Education Act of 1965 (20 U.S.C. 7221b;  
8 7221d) on or after the date of the enactment of this Act.

9 (b) **EXCEPTION.**—An entity that received a grant  
10 under a section described in subsection (a) prior to the  
11 date of the enactment of this Act for which the applicable  
12 grant period has not expired may elect to, for the remain-  
13 der of such grant period, carry out such grant in accord-  
14 ance with this Act and the amendments made by this Act.

○