

119TH CONGRESS
1ST SESSION

S. 1723

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.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2025

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 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-

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

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

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

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

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

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

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

“(iv) prohibits localities and other in-
strumentalities of the State from imposing
negative deed restrictions on properties
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.”.

