

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7086
OFFERED BY MR. KILEY OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Equitable Access to
3 School Facilities Act”.

4 SEC. 2. AMENDMENTS TO STATE FACILITIES AID PROGRAM.

5 (a) IN GENERAL.—Section 4304(k) of the Elemen-
6 tary and Secondary Education Act of 1965 (20 U.S.C.
7 7221c(k)) is amended to read as follows:

8 “(k) STATE FACILITIES AID PROGRAM.—

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

12 “(2) GRANTS TO STATE ENTITIES.—

13 “(A) GRANTS AUTHORIZED.—From the
14 amount reserved under section 4302(b)(1) and
15 remaining after the Secretary makes grants
16 under subsection (a), the Secretary shall award,
17 on a competitive basis, grants to State entities
18 that have the highest-quality applications ap-

1 proved under subparagraph (C), after consid-
2 ering the content of such applications in accord-
3 ance with subparagraph (D), to pay for the
4 Federal share of the cost of carrying out the ac-
5 tivities described in subparagraph (E).

6 “(B) PERIOD.—The Secretary shall award
7 grants under this subsection for periods of not
8 more than 5 years.

9 “(C) APPLICATION.—

10 “(i) IN GENERAL.—A State entity de-
11 siring to receive a grant under this sub-
12 section shall submit to the Secretary an
13 application in such form as the Secretary
14 may reasonably require and containing the
15 information described in clause (ii).

16 “(ii) CONTENTS.—An application sub-
17 mitted under clause (i) shall contain—

18 “(I) a statement identifying the
19 activities that the State entity pro-
20 poses to carry out with funds received
21 under this subsection, including a de-
22 scription of how the State entity will
23 determine which charter schools will
24 receive assistance, and how much and

1 what types of assistance such charter
2 schools will receive;

3 “(II) a description of the involve-
4 ment of charter schools in the applica-
5 tion’s development and in the design
6 of the proposed activities;

7 “(III) a description of whether
8 and how the State entity will partner
9 with an organization as described in
10 subparagraph (G);

11 “(IV) a description of how the
12 State entity possesses sufficient exper-
13 tise to evaluate the likelihood of suc-
14 cess of a charter school before pro-
15 viding assistance to such school
16 through the proposed grant;

17 “(V) in the case of an application
18 submitted by a State entity described
19 in paragraphs (1), (2), or (3) of sec-
20 tion 4303(a), a description of the ac-
21 tions that the entity has taken, or will
22 take, to ensure that charter schools
23 within the State receive the funding
24 they need to have adequate facilities;

1 “(VI) a description of whether
2 and how the proposed activities will—

3 “(aa) increase charter
4 schools’ access to State funds or
5 other financing for acquiring or
6 operating facilities (including by
7 reducing gaps to such access be-
8 tween charter schools and other
9 public schools in the same State);

10 “(bb) increase charter
11 schools’ access to public build-
12 ings; and

13 “(cc) increase the access of
14 charter schools in low-income and
15 rural communities to adequate
16 facilities; and

17 “(VII) a description of whether
18 the State in which the State entity is
19 located is described in clauses (i), (ii),
20 (iii), or (iv) of subparagraph (D).

21 “(iii) NO ADDITIONAL INFORMA-
22 TION.—The Secretary may not require any
23 additional information to be included in an
24 application submitted under this subpara-
25 graph that is not listed in clause (ii).

1 “(D) PRIORITY.—In making grants under
2 this subsection, the Secretary shall give priority
3 to a State entity located in a State—

4 “(i) that is described in subparagraph
5 (A) or (C) of section 4303(g)(2);

6 “(ii) that provides charter schools
7 with access to tax-exempt financing;

8 “(iii) with land use policies (including
9 with respect to policies relating to permits
10 and fees) that provide for the same or sub-
11 stantially similar treatment of charter
12 schools as other public schools that are not
13 charter schools; or

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

20 “(E) USE OF FUNDS.—

21 “(i) IN GENERAL.—A State entity re-
22 ceiving a grant under this subsection shall
23 use such grant to carry out, in the State
24 in which the State entity is located, 1 or
25 more of the following activities:

1 “(I) Increasing funding for, or
2 creating financing mechanisms to sup-
3 port, the acquisition, access to leasing,
4 and renovation of facilities by charter
5 schools, which may include partner-
6 ships with local educational agencies
7 that provide access to public build-
8 ings.

9 “(II) Increasing funding for, or
10 creating funding mechanisms to sup-
11 port, charter schools’ ongoing facilities
12 costs.

13 “(III) Supporting the creation of
14 alternative ownership models, to plan,
15 develop, and manage facilities for
16 charter schools.

17 “(ii) RESERVE ACCOUNT.—

18 “(I) STATE ENTITY NOT RECEIV-
19 ING SUBSECTION (A) GRANT.—In the
20 case of a State entity that is not re-
21 ceiving a grant under subsection (a),
22 such entity may—

23 “(aa) establish and maintain
24 a reserve account described in
25 subsection (f); and

1 “(bb) for the purpose of car-
2 rying out 1 or more of the activi-
3 ties described in subclauses (I)
4 through (III) of clause (i), de-
5 posit an amount of the grant
6 funds received under this sub-
7 section (to be determined by the
8 State entity) in such reserve ac-
9 count.

10 “(II) STATE ENTITY RECEIVING
11 SUBSECTION (A) GRANT.—In the case
12 of a State entity that is receiving a
13 grant under subsection (a), for the
14 purpose of carrying out 1 or more of
15 the activities described in subclauses
16 (I) through (III) of clause (i), such
17 entity may deposit an amount of the
18 grant funds received under this sub-
19 section (to be determined by the State
20 entity) in the reserve account estab-
21 lished and maintained by the State
22 entity under subsection (f).

23 “(iii) EVALUATIONS; TECHNICAL AS-
24 SISTANCE; DISSEMINATION.—From the
25 amount made available to a State entity

1 through a grant under this subsection for
2 a fiscal year, the State entity may reserve
3 not more than 5 percent to carry out eval-
4 uations, to provide technical assistance,
5 and to disseminate information.

6 “(iv) SUPPLEMENT, NOT SUP-
7 PLANT.—Funds made available under this
8 subsection shall be used to supplement,
9 and not supplant, non-Federal funds ex-
10 pended to carry out the activities author-
11 ized under this subsection.

12 “(F) FEDERAL SHARE.—The Federal
13 share of the cost of carrying out the activities
14 described in subparagraph (E) shall be not
15 more than an amount equal to 60 percent of
16 the total such cost for the duration of the grant
17 period.

18 “(G) NON-FEDERAL SHARE.—A State en-
19 tity receiving a grant under this subsection may
20 partner with 1 or more organizations, and such
21 organizations may provide any amount of the
22 non-Federal share of the cost of carrying out
23 the activities described in subparagraph (E).

24 “(H) MULTIPLE GRANTS.—A State may
25 receive more than 1 grant under this sub-

1 section, so long as the amount of total funds
2 provided to charter schools increases with each
3 successive grant.”.

4 (b) **APPLICABILITY.**—The amendment made by sub-
5 section (a) shall apply only with respect to a grant award-
6 ed under section 4304(k) of the Elementary and Sec-
7 ondary Education Act (20 U.S.C. 7221e(k)) on or after
8 the date of the enactment of this Act.

9 **SEC. 3. NO FEDERAL INTEREST.**

10 (a) **IN GENERAL.**—Part C of title IV of the Elemen-
11 tary and Secondary Education Act of 1965 (20 U.S.C.
12 7221 et seq.) is amended by adding at the end the fol-
13 lowing:

14 **“SEC. 4312. NO FEDERAL INTEREST.**

15 “No funds made available under this part create a
16 Federal interest (as such term is defined in section 200.1
17 of title 2, Code of Federal Regulations) for purposes of—

18 “(1) the recording requirement under section
19 200.316 of such title; or

20 “(2) the reporting requirement under section
21 200.330 of such title.”.

22 (b) **TABLE OF CONTENTS.**—The table of contents of
23 the Elementary and Secondary Education Act of 1965 (20
24 U.S.C. 6301 et seq.) is amended by inserting after the
25 item relating to section 4311 the following:

“Sec. 4312. No Federal interest.”.

1 **SEC. 4. CREDIT ENHANCEMENT FOR CHARTER SCHOOL FA-**
2 **CILITIES PROGRAM.**

3 (a) IN GENERAL.—Section 4304(h)(2)(A) of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 7221c(h)(2)) is amended by inserting “, for each of the
6 10 years following the date on which such entity received
7 such grant,” after “annual report”.

8 (b) APPLICABILITY.—The amendment made by sub-
9 section (a) shall apply with respect to an eligible entity
10 that received a grant under section 4304(a) of the Ele-
11 mentary and Secondary Education Act of 1965 (20 U.S.C.
12 7221c(a)) before, on, or after the date of the enactment
13 of this Act.

14 **SEC. 5. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
15 **SCHOOLS.**

16 (a) IN GENERAL.—Section 4303 of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C. 7221b)
18 is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1)(C), by striking
21 “and”;

22 (B) in paragraph (2), by striking the pe-
23 riod at the end and inserting a semicolon; and

24 (C) by inserting after paragraph (2) the
25 following:

1 “(3) provide assistance in locating and access-
2 ing a facility for purposes of opening, preparing, or
3 expanding charter schools as described in paragraph
4 (1); and

5 “(4) provide one-time assistance to any planned
6 or operating charter schools in the State in ensuring
7 that a facility used for a charter school complies
8 with State and local building codes and regula-
9 tions.”;

10 (2) in subsection (c)(1)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “section shall—” and inserting
13 “section—

14 “(A) shall—”;

15 (B) by redesignating subparagraphs (A)
16 though (C) as clauses (i) through (iii), respec-
17 tively;

18 (C) in clause (i), as so redesignated, by
19 striking “90 percent” and inserting “80 per-
20 cent”;

21 (D) in clause (iii), as so redesignated, by
22 striking the period at the end and inserting “;
23 and”;

24 (E) by adding at the end the following:

1 “(B) may reserve not more than 10 per-
2 cent of such funds for the establishment of a
3 revolving loan fund, which may be used to make
4 loans, under such terms as may be established
5 by the State entity, to—

6 “(i) eligible applicants for the oper-
7 ation of 1 or more of the charter schools
8 opened or expanded pursuant to a grant
9 under this section (for the duration of the
10 program period described in subsection
11 (d)(1)(B)); and

12 “(ii) eligible applicants to assist such
13 applicants in obtaining, renovating, or re-
14 habilitating facilities for planned or oper-
15 ating charter schools in the State.”; and

16 (3) in subsection (h)(3)—

17 (A) by striking “necessary renovations”
18 and all that follows through “school building
19 complies” and inserting “repairs, renovations,
20 and building out of charter school facilities to
21 ensure that such facilities comply”; and

22 (B) by striking “, and minor facilities re-
23 pairs (excluding construction)”.

24 (b) APPLICABILITY.—The amendments made by sub-
25 section (a) shall apply only with respect to a grant award-

1 ed under section 4303 of the Elementary and Secondary
2 Education Act (20 U.S.C. 7221b) on or after the date of
3 the enactment of this Act.

