

114TH CONGRESS  
1ST SESSION

# S. 316

To amend the charter school program under the Elementary and Secondary Education Act of 1965.

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IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2015

Mr. KIRK (for himself, Mr. BENNET, Mr. ALEXANDER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the charter school program under the Elementary and Secondary Education Act of 1965.

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 “Expanding Oppor-  
5 tunity through Quality Charter Schools Act”.

6 **SEC. 2. REFERENCES.**

7 Except as otherwise specifically provided, whenever in  
8 this Act a section or other provision is amended or re-  
9 pealed, such amendment or repeal shall be considered to  
10 be made to that section or other provision of the Elemen-

1 tary and Secondary Education Act of 1965 (20 U.S.C.  
2 6301 et seq.).

3 **SEC. 3. PURPOSE.**

4 Section 5201 (20 U.S.C. 7221) is amended to read  
5 as follows:

6 **“SEC. 5201. PURPOSE.**

7 “It is the purpose of this subpart to—

8 “(1) improve the United States education sys-  
9 tem and educational opportunities for all individuals  
10 in the United States by supporting innovation in  
11 public education in public school settings that pre-  
12 pare students to compete in, and contribute to, the  
13 global economy;

14 “(2) provide financial assistance for the plan-  
15 ning, program design, and initial implementation of  
16 charter schools;

17 “(3) increase the number of high-quality char-  
18 ter schools available to students across the Nation;

19 “(4) evaluate the impact of such schools on stu-  
20 dent achievement, families, and communities, and  
21 share best practices among charter schools and other  
22 public schools;

23 “(5) encourage States to provide support to  
24 charter schools for facilities financing in an amount

1 more nearly commensurate to the amount the States  
2 have typically provided for traditional public schools;

3 “(6) expand opportunities for students with dis-  
4 abilities, students who are limited English proficient,  
5 and other traditionally underserved students to at-  
6 tend charter schools and meet challenging State aca-  
7 demic achievement standards; and

8 “(7) support efforts to strengthen the charter  
9 school authorizing process in order to improve per-  
10 formance management, including transparency, mon-  
11 itoring, and evaluation of such schools.”.

12 **SEC. 4. PROGRAM AUTHORIZED.**

13 Section 5202 (20 U.S.C. 7221a) is amended to read  
14 as follows:

15 **“SEC. 5202. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—The Secretary is authorized to  
17 carry out a charter school program that supports charter  
18 schools that serve elementary school and secondary school  
19 students by—

20 “(1) supporting the startup of charter schools,  
21 the replication of high-quality charter schools, and  
22 the expansion of high-quality charter schools;

23 “(2) assisting charter schools in accessing cred-  
24 it to acquire and renovate facilities for school use;  
25 and

1           “(3) carrying out national activities to sup-  
2 port—

3           “(A) the startup of charter schools, the  
4 replication of high-quality charter schools, and  
5 the expansion of high-quality charter schools;

6           “(B) the dissemination of best practices of  
7 charter schools for all schools;

8           “(C) the evaluation of the impact of the  
9 charter school program on schools participating  
10 in such program; and

11           “(D) stronger charter school authorizing.

12       “(b) FUNDING ALLOTMENT.—From the amount  
13 made available under section 5211 for a fiscal year, the  
14 Secretary shall—

15           “(1) reserve 12.5 percent to support charter  
16 school facilities assistance under section 5204;

17           “(2) reserve not less than 25 percent to carry  
18 out national activities under section 5205; and

19           “(3) use the remaining amount after the res-  
20 ervations under paragraphs (1) and (2) to carry out  
21 section 5203.

22       “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-  
23 ent of a grant or subgrant under this subpart, as such  
24 subpart was in effect on the day before the date of enact-  
25 ment of the Expanding Opportunity through Quality

1 Charter Schools Act, shall continue to receive funds in ac-  
 2 cordance with the terms and conditions of such grant or  
 3 subgrant.”.

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

6 Section 5203 (20 U.S.C. 7221b) is amended to read  
 7 as follows:

8 **“SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**  
 9 **SCHOOLS.**

10 “(a) STATE ENTITY DEFINED.—For purposes of this  
 11 section, the term ‘State entity’ means—

12 “(1) a State educational agency;

13 “(2) a State charter school board;

14 “(3) a Governor of a State; or

15 “(4) a charter school support organization.

16 “(b) PROGRAM AUTHORIZED.—From the amount  
 17 available under section 5202(b)(3), the Secretary shall  
 18 award, on a competitive basis, grants to State entities hav-  
 19 ing applications approved under subsection (f) to enable  
 20 such entities to—

21 “(1) award subgrants to eligible applicants—

22 “(A) to open new charter schools;

23 “(B) for the replication of high-quality  
 24 charter schools; or

1           “(C) for the expansion of high-quality  
2 charter schools; and

3           “(2) provide technical assistance to eligible ap-  
4 plicants and authorized public chartering agencies in  
5 carrying out the activities described in paragraph (1)  
6 and work with authorized public chartering agencies  
7 in the State to improve authorizing quality.

8           “(c) STATE ENTITY USES OF FUNDS.—

9           “(1) IN GENERAL.—A State entity receiving a  
10 grant under this section shall—

11           “(A) use not less than 90 percent of the  
12 grant funds to award subgrants to eligible ap-  
13 plicants, in accordance with the quality charter  
14 school program described in the entity’s appli-  
15 cation pursuant to subsection (f), for the pur-  
16 poses described in subparagraphs (A) through  
17 (C) of subsection (b)(1);

18           “(B) reserve not less than 7 percent of  
19 such funds to carry out the activities described  
20 in subsection (b)(2); and

21           “(C) reserve not more than 3 percent of  
22 such funds for administrative costs, which may  
23 include the administrative costs of providing  
24 technical assistance.

1           “(2) CONTRACTS AND GRANTS.—A State entity  
2           may use a grant received under this section to carry  
3           out the activities described in subparagraph (A) of  
4           paragraph (1) directly or through grants, contracts,  
5           or cooperative agreements.

6           “(3) RULE OF CONSTRUCTION.—Nothing in  
7           this Act shall prohibit the Secretary from awarding  
8           grants to State entities, or State entities from  
9           awarding subgrants to eligible applicants, that use a  
10          weighted lottery, or an equivalent lottery mechanism,  
11          to give better chances for school admission to all or  
12          a subset of educationally disadvantaged students  
13          if—

14                 “(A) the use of a weighted lottery in favor  
15                 of such students is not prohibited by State law,  
16                 and such State law is consistent with the laws  
17                 described in section 5210(2)(G); and

18                 “(B) such weighted lottery is not used for  
19                 the purpose of creating schools exclusively to  
20                 serve a particular subset of students.

21          “(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

22                 “(1) PROGRAM PERIODS.—

23                         “(A) GRANTS.—A grant awarded by the  
24                         Secretary to a State entity under this section  
25

1 shall be for a period of not more than 3 years,  
2 and may be renewed by the Secretary for 1 ad-  
3 ditional 2-year period.

4 “(B) SUBGRANTS.—A subgrant awarded  
5 by a State entity under this section—

6 “(i) shall be for a period of not more  
7 than 3 years, of which an eligible applicant  
8 may use not more than 18 months for  
9 planning and program design; and

10 “(ii) may be renewed by the State en-  
11 tity for 1 additional 2-year period.

12 “(2) PEER REVIEW.—The Secretary, and each  
13 State entity awarding subgrants under this section,  
14 shall use a peer review process to review applications  
15 for assistance under this section.

16 “(3) DISTRIBUTION OF SUBGRANTS.—Each  
17 State entity awarding subgrants under this section  
18 shall award subgrants in a manner that, to the ex-  
19 tent practicable and applicable, ensures that such  
20 subgrants—

21 “(A) prioritize eligible applicants that plan  
22 to serve a significant number of students from  
23 low-income families;



1           “(B) are distributed throughout different  
2           areas, including urban, suburban, and rural  
3           areas; and

4           “(C) will assist charter schools rep-  
5           resenting a variety of educational approaches.

6           “(4) WAIVERS.—The Secretary may waive any  
7           statutory or regulatory requirement over which the  
8           Secretary exercises administrative authority, except  
9           any such requirement relating to the elements of a  
10          charter school described in section 5210(2), if—

11           “(A) the waiver is requested in an ap-  
12          proved application under this section; and

13           “(B) the Secretary determines that grant-  
14          ing such a waiver will promote the purposes of  
15          this subpart.

16          “(e) LIMITATIONS.—

17           “(1) GRANTS.—A State entity may not receive  
18          more than 1 grant under this section at a time.

19           “(2) SUBGRANTS.—An eligible applicant may  
20          not receive more than 1 subgrant under this section  
21          for each individual charter school for each grant pe-  
22          riod or renewal period, unless the eligible applicant  
23          demonstrates to the State entity that the charter  
24          school has demonstrated a strong track record of  
25          positive results over the course of the grant period

1 regarding the elements described in subparagraphs  
2 (A) and (D) of section 5210(8).

3 “(f) APPLICATIONS.—A State entity desiring to re-  
4 ceive a grant under this section shall submit an application  
5 to the Secretary at such time and in such manner as the  
6 Secretary may require. The application shall include the  
7 following:

8 “(1) DESCRIPTION OF PROGRAM.—A descrip-  
9 tion of the State entity’s objectives in running a  
10 quality charter school program under this section  
11 and how the objectives of the program will be car-  
12 ried out, including—

13 “(A) a description of how the State entity  
14 will—

15 “(i) support the opening of new char-  
16 ter schools and, if applicable, the replica-  
17 tion of high-quality charter schools and the  
18 expansion of high-quality charter schools,  
19 and the proposed number of charter  
20 schools to be opened, replicated, or ex-  
21 panded under the State entity’s program;

22 “(ii) inform eligible charter schools,  
23 developers, and authorized public char-  
24 tering agencies of the availability of funds  
25 under the program;

1           “(iii) work with eligible applicants to  
2           ensure that the eligible applicants access  
3           all Federal funds that such applicants are  
4           eligible to receive, and help the charter  
5           schools supported by such applicants and  
6           the students attending those charter  
7           schools—

8                   “(I) participate in the Federal  
9                   programs in which the schools and  
10                  students are eligible to participate;  
11                  and

12                   “(II) receive the commensurate  
13                   share of Federal funds the schools  
14                   and students are eligible to receive  
15                   under such programs;

16           “(iv) in the case of a State entity that  
17           is not a State educational agency—

18                   “(I) work with the State edu-  
19                   cational agency and the charter  
20                   schools in the State to maximize char-  
21                   ter school participation in Federal and  
22                   State programs for charter schools;  
23                   and

24                   “(II) work with the State edu-  
25                   cational agency to operate the State

1                   entity’s program under this section, if  
2                   applicable;

3                   “(v) ensure each eligible applicant  
4                   that receives a subgrant under the State  
5                   entity’s program—

6                   “(I) is opening or expanding  
7                   schools that meet the definition of a  
8                   charter school under section 5210(2);  
9                   and

10                  “(II) is prepared to continue to  
11                  operate such charter schools once the  
12                  subgrant funds under this section are  
13                  no longer available;

14                  “(vi) support charter schools in local  
15                  educational agencies with large numbers of  
16                  schools that have been identified by the  
17                  State for improvement;

18                  “(vii) work with charter schools to  
19                  promote inclusion of all students and sup-  
20                  port all students upon enrollment in order  
21                  to promote retention of students in the  
22                  school;

23                  “(viii) work with charter schools on  
24                  recruitment practices, including efforts to  
25                  engage groups that may otherwise have

1 limited opportunities to attend charter  
2 schools;

3 “(ix) share best and promising prac-  
4 tices among charter schools and other pub-  
5 lic schools;

6 “(x) ensure that charter schools re-  
7 ceiving funds under the State entity’s pro-  
8 gram meet the educational needs of their  
9 students, including students who are chil-  
10 dren with disabilities and students who are  
11 limited English proficient; and

12 “(xi) support efforts to increase char-  
13 ter school quality initiatives, including  
14 meeting the quality authorizing elements  
15 described in paragraph (2)(D);

16 “(B) a description of how the State will ac-  
17 tively monitor and hold authorized public char-  
18 tering agencies accountable to ensure high-qual-  
19 ity authorizing activity, including by estab-  
20 lishing authorizing standards and by approving,  
21 re-approving, and revoking the authority of an  
22 authorized public chartering agency based on  
23 the performance of the charter schools author-  
24 ized by such agency in the areas of student  
25 achievement, student safety, financial manage-

1           ment, and compliance with all applicable stat-  
2           utes;

3           “(C) a description of the extent to which  
4           the State entity—

5                 “(i) is able to meet and carry out the  
6                 priorities described in subsection (g)(2);  
7                 and

8                 “(ii) is working to develop or  
9                 strengthen a cohesive statewide system to  
10                support the opening of new charter schools  
11                and, if applicable, the replication of high-  
12                quality charter schools and the expansion  
13                of high-quality charter schools;

14           “(D) a description of how the State entity  
15           will award subgrants, on a competitive basis, in-  
16           cluding—

17                 “(i) a description of the application  
18                 each eligible applicant desiring to receive a  
19                 subgrant will be required to submit, which  
20                 application shall include—

21                 “(I) a description of the roles  
22                 and responsibilities of eligible appli-  
23                 cants and of any charter management  
24                 organizations or other organizations  
25                 with which the eligible applicant will

1 partner to open charter schools, in-  
2 cluding administrative and contractual  
3 roles and responsibilities;

4 “(II) a description of the quality  
5 controls agreed to between the eligible  
6 applicant and the authorized public  
7 chartering agency involved, such as a  
8 contract or performance agreement,  
9 and how a school’s performance on  
10 the State’s academic accountability  
11 system and impact on student  
12 achievement, which may include stu-  
13 dent growth, will be primary factors  
14 for renewal or revocation of the  
15 school’s charter;

16 “(III) a description of how the  
17 autonomy and flexibility granted to  
18 the charter school are consistent with  
19 the definition of a charter school in  
20 section 5210(2); and

21 “(IV) a description of the  
22 planned activities and expenditures of  
23 subgrant funds for the opening of a  
24 new charter school, the replication of  
25 a high-quality charter school, or the

1 expansion of a high-quality charter  
2 school, and how the charter school will  
3 maintain financial sustainability after  
4 the end of the subgrant period; and

5 “(ii) a description of how the State  
6 entity will review applications from eligible  
7 applicants;

8 “(E) in the case of a State entity that  
9 partners with an outside organization to carry  
10 out the State entity’s quality charter school  
11 program, in whole or in part, a description of  
12 the roles and responsibilities of the partner; and

13 “(F) a description of how the State entity  
14 will help the charter schools receiving funds  
15 under the State entity’s program address the  
16 transportation needs of the schools’ students.

17 “(2) ASSURANCES.—Assurances that—

18 “(A) each charter school receiving funds  
19 through the State entity’s subgrant program  
20 will have a high degree of autonomy over budg-  
21 et and operations, including autonomy over per-  
22 sonnel decisions;

23 “(B) the State entity will support charter  
24 schools in meeting the educational needs of



1 their students, as described in paragraph  
2 (1)(A)(x);

3 “(C) the State entity will ensure that the  
4 authorized public chartering agency of any  
5 charter school that receives funds under the en-  
6 tity’s program—

7 “(i) ensures that each charter school  
8 under the authority of such agency is  
9 meeting the requirements of this Act, part  
10 B of the Individuals with Disabilities Edu-  
11 cation Act, title VI of the Civil Rights Act  
12 of 1964, and section 504 of the Rehabilita-  
13 tion Act of 1973; and

14 “(ii) adequately monitors and provides  
15 adequate technical assistance to each char-  
16 ter school under the authority of such  
17 agency in recruiting, enrolling, and meet-  
18 ing the needs of all students, including stu-  
19 dents who are children with disabilities and  
20 students who are limited English pro-  
21 ficient;

22 “(D) the State entity will promote quality  
23 authorizing, such as through providing technical  
24 assistance, to support all authorized public  
25 chartering agencies in the State in improving

1 the monitoring of the charter schools authorized  
2 by such agencies, including by—

3 “(i) using annual performance data,  
4 which may include graduation rates and  
5 student academic growth data, as appro-  
6 priate, to measure a school’s progress to-  
7 ward becoming a high-quality charter  
8 school;

9 “(ii) reviewing the schools’ inde-  
10 pendent, annual audits of financial state-  
11 ments conducted in accordance with gen-  
12 erally accepted accounting principles, and  
13 ensuring any such audits are publically re-  
14 ported; and

15 “(iii) holding charter schools account-  
16 able to the academic, financial, and oper-  
17 ational quality controls agreed to between  
18 the charter school and the authorized pub-  
19 lic chartering agency involved, such as  
20 through renewal, non-renewal, or revoca-  
21 tion of the school’s charter; and

22 “(E) the State entity will ensure that each  
23 charter school in the State makes publicly avail-  
24 able, consistent with the dissemination require-  
25 ments of the annual State report card required

1 for purposes of part A of title I, information to  
2 help parents make informed decisions about the  
3 education options available to their children, in-  
4 cluding information on the educational pro-  
5 gram, student support services, and annual per-  
6 formance and enrollment data for the groups of  
7 students described in section  
8 1111(b)(2)(C)(v)(II).

9 “(3) REQUESTS FOR WAIVERS.—A request and  
10 justification for waivers of any Federal statutory or  
11 regulatory provisions that the State entity believes  
12 are necessary for the successful operation of the  
13 charter schools that will receive funds under the en-  
14 tity’s program under this section, and a description  
15 of any State or local rules, generally applicable to  
16 public schools, that will be waived, or otherwise not  
17 apply, to such schools or, in the case of a State enti-  
18 ty defined in subsection (a)(4), a description of how  
19 the State entity will work with the State to request  
20 necessary waivers, if applicable.

21 “(g) SELECTION CRITERIA; PRIORITY.—

22 “(1) SELECTION CRITERIA.—The Secretary  
23 shall award grants to State entities under this sec-  
24 tion on the basis of the quality of the applications

1 submitted under subsection (f), after taking into  
2 consideration—

3 “(A) the degree of flexibility afforded by  
4 the State’s public charter school law and how  
5 the State entity will work to maximize the flexi-  
6 bility provided to charter schools under the law;

7 “(B) the proposed number of new charter  
8 schools to be opened, and, if applicable, the  
9 number of high-quality charter schools to be  
10 replicated or expanded under the program, and  
11 the number of new students to be served by  
12 such schools;

13 “(C) the likelihood that the schools opened,  
14 replicated, or expanded by eligible applicants re-  
15 ceiving subgrant funds will increase the aca-  
16 demic achievement of the school’s students and  
17 progress toward becoming high-quality charter  
18 schools; and

19 “(D) the quality of the State entity’s plan  
20 to—

21 “(i) monitor the eligible applicants re-  
22 ceiving subgrants under the State entity’s  
23 program; and

24 “(ii) provide technical assistance and  
25 support for—

1                   “(I) the eligible applicants receiv-  
2                   ing subgrants under the State entity’s  
3                   program; and

4                   “(II) quality authorizing efforts  
5                   in the State.

6                   “(2) PRIORITY.—In awarding grants under this  
7                   section, the Secretary shall give priority to a State  
8                   entity to the extent that the entity meets the fol-  
9                   lowing criteria:

10                   “(A) The State entity is located in a  
11                   State—

12                   “(i) that allows at least one entity  
13                   that is not a local educational agency to be  
14                   an authorized public chartering agency for  
15                   each developer seeking to open a charter  
16                   school in the State; or

17                   “(ii) in the case of a State in which  
18                   local educational agencies are the only au-  
19                   thorized public chartering agencies, that  
20                   has an appeals process for the denial of an  
21                   application for a charter school.

22                   “(B) The State entity is located in a State  
23                   that ensures that charter schools receive equi-  
24                   table financing, as compared to traditional pub-  
25                   lic schools, in a prompt manner.

1           “(C) The State entity is located in a State  
2 that provides charter schools one or more of the  
3 following:

4                   “(i) Funding for facilities.

5                   “(ii) Assistance with facilities acqui-  
6 sition.

7                   “(iii) Access to public facilities.

8                   “(iv) The ability to share in bonds or  
9 mill levies.

10                  “(v) The right of first refusal to pur-  
11 chase public school buildings.

12                  “(vi) Low- or no-cost leasing privi-  
13 leges.

14           “(D) The State entity is located in a State  
15 that uses best practices from charter schools to  
16 help improve struggling schools and local edu-  
17 cational agencies.

18           “(E) The State entity supports charter  
19 schools that support at-risk students through  
20 activities such as dropout prevention or dropout  
21 recovery.

22           “(F) The State entity ensures that each  
23 charter school has a high degree of autonomy  
24 over the charter school’s budget and operations,  
25 including autonomy over personnel decisions.

1           “(G) The State entity has taken steps to  
2           ensure that all authorizing public chartering  
3           agencies implement best practices for charter  
4           school authorizing.

5           “(h) LOCAL USES OF FUNDS.—An eligible applicant  
6           receiving a subgrant under this section shall use such  
7           funds to carry out activities related to the opening a new  
8           charter school, the replication of a high-quality charter  
9           school, or the expansion of a high-quality charter school,  
10          which may include—

11           “(1) supporting the acquisition, expansion, or  
12           preparation of a charter school building to meet in-  
13           creasing enrollment needs, including financing the  
14           development of a new building and ensuring that a  
15           school building complies with applicable statutes and  
16           regulations;

17           “(2) paying costs associated with hiring addi-  
18           tional teachers to serve additional students;

19           “(3) providing transportation to students to  
20           and from the charter school;

21           “(4) providing instructional materials, imple-  
22           menting teacher and principal professional develop-  
23           ment programs, and hiring additional non-teaching  
24           staff; and

1           “(5) supporting any necessary activities that as-  
2           sist the charter school in carrying out the purposes  
3           of this section, such as preparing individuals to serve  
4           as members of the charter school’s board.

5           “(i) REPORTING REQUIREMENTS.—Each State entity  
6           receiving a grant under this section shall submit to the  
7           Secretary, at the end of the third year of the grant period  
8           and at the end of any renewal period, a report that in-  
9           cludes the following:

10           “(1) The number of students served by each  
11           subgrant awarded under this section and, if applica-  
12           ble, the number of new students served during each  
13           year of the subgrant period.

14           “(2) The number and amount of subgrants  
15           awarded under this section to carry out each of the  
16           following:

17           “(A) The opening of new charter schools.

18           “(B) The replication of high-quality char-  
19           ter schools.

20           “(C) The expansion of high-quality charter  
21           schools.

22           “(3) The progress the State entity made toward  
23           meeting the priorities described in subsection (g)(2),  
24           as applicable.

25           “(4) A description of—



1           “(A) how the State entity complied with,  
2           and ensured that eligible applicants complied  
3           with, the assurances described in the State enti-  
4           ty’s application; and

5           “(B) how the State entity worked with au-  
6           thorized public chartering agencies, including  
7           how the agencies worked with the management  
8           company or leadership of the schools that re-  
9           ceived subgrant funds, if applicable.”.

10 **SEC. 6. FACILITIES FINANCING ASSISTANCE.**

11           Section 5204 (20 U.S.C. 7221c) is amended to read  
12 as follows:

13 **“SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

14           “(a) GRANTS TO ELIGIBLE ENTITIES.—

15           “(1) IN GENERAL.—From the amount reserved  
16           under section 5202(b)(1), the Secretary shall use  
17           not less than 50 percent to award not less than 3  
18           grants, on a competitive basis, to eligible entities  
19           that have the highest-quality applications approved  
20           under subsection (d) to demonstrate innovative  
21           methods of assisting charter schools to address the  
22           cost of acquiring, constructing, and renovating facili-  
23           ties by enhancing the availability of loans or bond fi-  
24           nancing.

1           “(2) ELIGIBLE ENTITY DEFINED.—For pur-  
2           poses of this section, the term ‘eligible entity’  
3           means—

4                   “(A) a public entity, such as a State or  
5                   local governmental entity;

6                   “(B) a private nonprofit entity; or

7                   “(C) a consortium of entities described in  
8                   subparagraphs (A) and (B).

9           “(b) GRANTEE SELECTION.—The Secretary shall  
10          evaluate each application submitted under subsection (d),  
11          and shall determine whether the application is sufficient  
12          to merit approval.

13          “(c) GRANT CHARACTERISTICS.—Grants under sub-  
14          section (a) shall be of a sufficient size, scope, and quality  
15          so as to ensure an effective demonstration of an innovative  
16          means of enhancing credit for the financing of charter  
17          school acquisition, construction, or renovation.

18          “(d) APPLICATIONS.—

19                   “(1) IN GENERAL.—To receive a grant under  
20                   subsection (a), an eligible entity shall submit to the  
21                   Secretary an application in such form as the Sec-  
22                   retary may reasonably require.

23                   “(2) CONTENTS.—An application submitted  
24                   under paragraph (1) shall contain—

1           “(A) a statement identifying the activities  
2 proposed to be undertaken with funds received  
3 under subsection (a), including how the eligible  
4 entity will determine which charter schools will  
5 receive assistance, and how much and what  
6 types of assistance charter schools will receive;

7           “(B) a description of the involvement of  
8 charter schools in the application’s development  
9 and the design of the proposed activities;

10           “(C) a description of the eligible entity’s  
11 expertise in capital market financing;

12           “(D) a description of how the proposed ac-  
13 tivities will leverage the maximum amount of  
14 private-sector financing capital relative to the  
15 amount of government funding used and other-  
16 wise enhance credit available to charter schools,  
17 including how the entity will offer a combina-  
18 tion of rates and terms more favorable than the  
19 rates and terms that a charter school could re-  
20 ceive without assistance from the entity under  
21 this section;

22           “(E) a description of how the eligible enti-  
23 ty possesses sufficient expertise in education to  
24 evaluate the likelihood of success of a charter

1 school program for which facilities financing is  
2 sought; and

3 “(F) in the case of an application sub-  
4 mitted by a State governmental entity, a de-  
5 scription of the actions that the entity has  
6 taken, or will take, to ensure that charter  
7 schools within the State receive the funding the  
8 charter schools need to have adequate facilities.

9 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible  
10 entity receiving a grant under this section shall use the  
11 funds deposited in the reserve account established under  
12 subsection (f) to assist one or more charter schools in ac-  
13 cessing private sector capital to accomplish one or more  
14 of the following objectives:

15 “(1) The acquisition (by purchase, lease, dona-  
16 tion, or otherwise) of an interest (including an inter-  
17 est held by a third party for the benefit of a charter  
18 school) in improved or unimproved real property  
19 that is necessary to commence or continue the oper-  
20 ation of a charter school.

21 “(2) The construction of new facilities, includ-  
22 ing predevelopment costs, or the renovation, repair,  
23 or alteration of existing facilities, necessary to com-  
24 mence or continue the operation of a charter school.

1           “(3) The predevelopment costs required to as-  
2           sess sites for purposes of paragraph (1) or (2) and  
3           which are necessary to commence or continue the  
4           operation of a charter school.

5           “(f) RESERVE ACCOUNT.—

6           “(1) USE OF FUNDS.—To assist charter schools  
7           to accomplish the objectives described in subsection  
8           (e), an eligible entity receiving a grant under sub-  
9           section (a) shall, in accordance with State and local  
10          law, directly or indirectly, alone or in collaboration  
11          with others, deposit the funds received under sub-  
12          section (a) (other than funds used for administrative  
13          costs in accordance with subsection (g)) in a reserve  
14          account established and maintained by the eligible  
15          entity for this purpose. Amounts deposited in such  
16          account shall be used by the eligible entity for one  
17          or more of the following purposes:

18               “(A) Guaranteeing, insuring, and rein-  
19               suring bonds, notes, evidences of debt, loans,  
20               and interests therein, the proceeds of which are  
21               used for an objective described in subsection  
22               (e).

23               “(B) Guaranteeing and insuring leases of  
24               personal and real property for an objective de-  
25               scribed in such subsection.

1           “(C) Facilitating financing by identifying  
2           potential lending sources, encouraging private  
3           lending, and other similar activities that di-  
4           rectly promote lending to, or for the benefit of,  
5           charter schools.

6           “(D) Facilitating the issuance of bonds by  
7           charter schools, or by other public entities for  
8           the benefit of charter schools, by providing  
9           technical, administrative, and other appropriate  
10          assistance (including the recruitment of bond  
11          counsel, underwriters, and potential investors  
12          and the consolidation of multiple charter school  
13          projects within a single bond issue).

14          “(2) INVESTMENT.—Funds received under this  
15          section and deposited in the reserve account estab-  
16          lished under paragraph (1) shall be invested in obli-  
17          gations issued or guaranteed by the United States or  
18          a State, or in other similarly low-risk securities.

19          “(3) REINVESTMENT OF EARNINGS.—Any earn-  
20          ings on funds received under subsection (a) shall be  
21          deposited in the reserve account established under  
22          paragraph (1) and used in accordance with such  
23          subsection.

24          “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An  
25          eligible entity may use not more than 2.5 percent of the

1 funds received under subsection (a) for the administrative  
2 costs of carrying out its responsibilities under this section  
3 (excluding subsection (k)).

4 “(h) AUDITS AND REPORTS.—

5 “(1) FINANCIAL RECORD MAINTENANCE AND  
6 AUDIT.—The financial records of each eligible entity  
7 receiving a grant under subsection (a) shall be main-  
8 tained in accordance with generally accepted ac-  
9 counting principles and shall be subject to an annual  
10 audit by an independent public accountant.

11 “(2) REPORTS.—

12 “(A) GRANTEE ANNUAL REPORTS.—Each  
13 eligible entity receiving a grant under sub-  
14 section (a) annually shall submit to the Sec-  
15 retary a report of the entity’s operations and  
16 activities under this section.

17 “(B) CONTENTS.—Each annual report  
18 submitted under subparagraph (A) shall in-  
19 clude—

20 “(i) a copy of the most recent finan-  
21 cial statements, and any accompanying  
22 opinion on such statements, prepared by  
23 the independent public accountant review-  
24 ing the financial records of the eligible en-  
25 tity;

1           “(ii) a copy of any report made on an  
2           audit of the financial records of the eligible  
3           entity that was conducted under paragraph  
4           (1) during the reporting period;

5           “(iii) an evaluation by the eligible en-  
6           tity of the effectiveness of its use of the  
7           Federal funds provided under subsection  
8           (a) in leveraging private funds;

9           “(iv) a listing and description of the  
10          charter schools served during the reporting  
11          period, including the amount of funds used  
12          by each school, the type of project facili-  
13          tated by the grant, and the type of assist-  
14          ance provided to the charter schools;

15          “(v) a description of the activities car-  
16          ried out by the eligible entity to assist  
17          charter schools in meeting the objectives  
18          set forth in subsection (e); and

19          “(vi) a description of the characteris-  
20          tics of lenders and other financial institu-  
21          tions participating in the activities under-  
22          taken by the eligible entity under this sec-  
23          tion (excluding subsection (k)) during the  
24          reporting period.



1           “(C) SECRETARIAL REPORT.—The Sec-  
2           retary shall review the reports submitted under  
3           subparagraph (A) and shall provide a com-  
4           prehensive annual report to Congress on the ac-  
5           tivities conducted under this section (excluding  
6           subsection (k)).

7           “(i) NO FULL FAITH AND CREDIT FOR GRANTEE  
8           OBLIGATION.—No financial obligation of an eligible entity  
9           entered into pursuant to this section (such as an obliga-  
10          tion under a guarantee, bond, note, evidence of debt, or  
11          loan) shall be an obligation of, or guaranteed in any re-  
12          spect by, the United States. The full faith and credit of  
13          the United States is not pledged to the payment of funds  
14          which may be required to be paid under any obligation  
15          made by an eligible entity pursuant to any provision of  
16          this section.

17          “(j) RECOVERY OF FUNDS.—

18                 “(1) IN GENERAL.—The Secretary, in accord-  
19                 ance with chapter 37 of title 31, United States  
20                 Code, shall collect—

21                         “(A) all of the funds in a reserve account  
22                         established by an eligible entity under sub-  
23                         section (f)(1) if the Secretary determines, not  
24                         earlier than 2 years after the date on which the  
25                         eligible entity first received funds under this

1 section (excluding subsection (k)), that the eli-  
2 gible entity has failed to make substantial  
3 progress in carrying out the purposes described  
4 in subsection (f)(1); or

5 “(B) all or a portion of the funds in a re-  
6 serve account established by an eligible entity  
7 under subsection (f)(1) if the Secretary deter-  
8 mines that the eligible entity has permanently  
9 ceased to use all or a portion of the funds in  
10 such account to accomplish any purpose de-  
11 scribed in such subsection.

12 “(2) EXERCISE OF AUTHORITY.—The Secretary  
13 shall not exercise the authority provided in para-  
14 graph (1) to collect from any eligible entity any  
15 funds that are being properly used to achieve one or  
16 more of the purposes described in subsection (f)(1).

17 “(3) PROCEDURES.—The provisions of sections  
18 451, 452, and 458 of the General Education Provi-  
19 sions Act shall apply to the recovery of funds under  
20 paragraph (1).

21 “(4) CONSTRUCTION.—This subsection shall  
22 not be construed to impair or affect the authority of  
23 the Secretary to recover funds under part D of the  
24 General Education Provisions Act.

25 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

1           “(1) DEFINITION OF PER-PUPIL FACILITIES AID  
2 PROGRAM.—In this subsection, the term ‘per-pupil  
3 facilities aid program’ means a program in which a  
4 State makes payments, on a per-pupil basis, to char-  
5 ter schools to provide the schools with financing—

6           “(A) that is dedicated solely for funding  
7 charter school facilities; or

8           “(B) a portion of which is dedicated for  
9 funding charter school facilities.

10          “(2) GRANTS.—

11           “(A) IN GENERAL.—From the amount re-  
12 served under section 5202(b)(1) and remaining  
13 after the Secretary makes grants under sub-  
14 section (a), the Secretary shall make grants, on  
15 a competitive basis, to States to pay for the  
16 Federal share of the cost of establishing or en-  
17 hancing, and administering, per-pupil facilities  
18 aid programs.

19           “(B) PERIOD.—A grant awarded under  
20 this subsection shall be for a period of not more  
21 than 5 years.

22           “(C) FEDERAL SHARE.—The Federal  
23 share of the cost described in subparagraph (A)  
24 for a per-pupil facilities aid program shall be  
25 not more than—

1           “(i) 90 percent of the cost, for the  
2           first fiscal year for which the program re-  
3           ceives assistance under this subsection;

4           “(ii) 80 percent for the second such  
5           year;

6           “(iii) 60 percent for the third such  
7           year;

8           “(iv) 40 percent for the fourth such  
9           year; and

10          “(v) 20 percent for the fifth such  
11          year.

12          “(D) STATE SHARE.—A State receiving a  
13          grant under this subsection may partner with 1  
14          or more organizations to provide not more than  
15          to 50 percent of the State share of the cost of  
16          establishing or enhancing, and administering,  
17          the per-pupil facilities aid program.

18          “(E) MULTIPLE GRANTS.—A State may  
19          receive more than 1 grant under this sub-  
20          section, so long as the amount of such grant  
21          funds provided to charter schools increases with  
22          each successive grant.

23          “(3) USE OF FUNDS.—

24          “(A) IN GENERAL.—A State that receives  
25          a grant under this subsection shall use the

1 funds made available through the grant to es-  
2 tablish or enhance, and administer, a per-pupil  
3 facilities aid program for charter schools in the  
4 State.

5 “(B) EVALUATIONS; TECHNICAL ASSIST-  
6 ANCE; DISSEMINATION.—From the amount  
7 made available to a State through a grant  
8 under this subsection for a fiscal year, the State  
9 may reserve not more than 5 percent to carry  
10 out evaluations, to provide technical assistance,  
11 and to disseminate information.

12 “(C) SUPPLEMENT, NOT SUPPLANT.—  
13 Funds made available under this subsection  
14 shall be used to supplement, and not supplant,  
15 State and local public funds expended to pro-  
16 vide per-pupil facilities aid programs, operations  
17 financing programs, or other programs, for  
18 charter schools.

19 “(4) REQUIREMENTS.—

20 “(A) VOLUNTARY PARTICIPATION.—No  
21 State may be required to participate in a pro-  
22 gram carried out under this subsection.

23 “(B) STATE LAW.—

24 “(i) IN GENERAL.—To be eligible to  
25 receive a grant under this subsection, a

1 State shall establish or enhance, and ad-  
2 minister, a per-pupil facilities aid program  
3 for charter schools in the State, that—

4 “(I) is specified in State law; and

5 “(II) provides annual financing,  
6 on a per-pupil basis, for charter  
7 school facilities.

8 “(ii) SPECIAL RULE.—A State that is  
9 required under State law to provide char-  
10 ter schools in the State with access to ade-  
11 quate facility space may be eligible to re-  
12 ceive a grant under this subsection if the  
13 State agrees to use the funds to develop a  
14 per-pupil facilities aid program consistent  
15 with the requirements of this subsection.

16 “(5) APPLICATIONS.—To be eligible to receive a  
17 grant under this subsection, a State shall submit an  
18 application to the Secretary at such time, in such  
19 manner, and containing such information as the Sec-  
20 retary may require.”.

21 **SEC. 7. NATIONAL ACTIVITIES.**

22 Section 5205 (20 U.S.C. 7221d) is amended to read  
23 as follows:

1 **“SEC. 5205. NATIONAL ACTIVITIES.**

2 “(a) IN GENERAL.—From the amount reserved  
3 under section 5202(b)(2), the Secretary shall—

4 “(1) use not less than 80 percent of such funds  
5 to award grants in accordance with subsection (b);  
6 and

7 “(2) use the remainder of such funds to—

8 “(A) disseminate technical assistance to  
9 State entities in awarding subgrants under sec-  
10 tion 5203(b)(1)(A);

11 “(B) disseminate best practices regarding  
12 public charter schools;

13 “(C) evaluate the impact of the charter  
14 school program carried out under this subpart,  
15 including the impact on student achievement;  
16 and

17 “(D) make grants, on a competitive basis,  
18 for the purpose of carrying out the activities de-  
19 scribed in section 5203(h), to eligible applicants  
20 that desire to open a charter school, replicate a  
21 high-quality charter school, or expand a high-  
22 quality charter school in—

23 “(i) a State that did not apply for a  
24 grant under section 5203; or

25 “(ii) a State that did not receive a  
26 grant under section 5203.

1       “(b) GRANTS FOR THE REPLICATION AND EXPAN-  
2 SION OF HIGH-QUALITY CHARTER SCHOOLS.—

3           “(1) GRANTS AUTHORIZED.—The Secretary  
4 shall make grants, on a competitive basis, to eligible  
5 entities having applications approved under para-  
6 graph (3) to enable such entities to carry out the  
7 replication of a high-quality charter school or the ex-  
8 pansion of a high-quality charter school.

9           “(2) DEFINITION OF ELIGIBLE ENTITY.—For  
10 purposes of this subsection, the term ‘eligible entity’  
11 means—

12           “(A) a charter management organization  
13 that, at the time of the application, operates or  
14 manages one or more high-quality charter  
15 schools; or

16           “(B) a nonprofit organization that oversees  
17 and coordinates the activities of a group of such  
18 charter management organizations.

19           “(3) APPLICATION REQUIREMENTS.—An eligi-  
20 ble entity desiring to receive a grant under this sub-  
21 section shall submit an application to the Secretary  
22 at such time and in such manner as the Secretary  
23 may require. The application shall include the fol-  
24 lowing:



1           “(A) A description of the eligible entity’s  
2 objectives for implementing a high-quality char-  
3 ter school program with funding under this sub-  
4 section, including a description of the proposed  
5 number of high-quality charter schools to be  
6 replicated or expanded with funding under this  
7 subsection.

8           “(B) A description of the educational pro-  
9 gram that the eligible entity will implement in  
10 the charter schools that the eligible entity pro-  
11 poses to replicate or expand, including informa-  
12 tion on how the program will enable all stu-  
13 dents to meet challenging State academic  
14 standards, the grade levels or ages of students  
15 that will be served, and the instructional prac-  
16 tices that will be used.

17           “(C) A multi-year financial and operating  
18 model for the eligible entity, including a de-  
19 scription of how the operation of the charter  
20 schools to be replicated or expanded will be sus-  
21 tained after the grant under this subsection has  
22 ended.

23           “(D) A description of how the eligible enti-  
24 ty will inform all students in the community, in-  
25 cluding students who are children with disabil-

1           ities, students who are limited English pro-  
2           ficient, and other educationally disadvantaged  
3           students, about the charter schools to be rep-  
4           licated or expanded with funding under this  
5           subsection.

6           “(E) For each charter school currently op-  
7           erated or managed by the eligible entity—

8                   “(i) student assessment results for all  
9                   students and for the subgroups of students  
10                  described in section 1111(b)(2)(C)(v)(II);  
11                  and

12                   “(ii) attendance and student retention  
13                   rates for the most recently completed  
14                   school year and, if applicable, the most re-  
15                   cent available 4-year adjusted cohort high  
16                   school graduation rate (as defined in sec-  
17                   tion 200.19(b)(1)(i)(A) of title 34, Code of  
18                   Federal Regulations, or a successor regula-  
19                   tion).

20           “(F) Information on any significant com-  
21           pliance issues encountered, within the last 3  
22           years, by any school operated or managed by  
23           the eligible entity, including in the areas of stu-  
24           dent safety and financial management.

1           “(G) A request and justification for any  
2           waivers of Federal statutory or regulatory re-  
3           quirements that the eligible entity believes are  
4           necessary for the successful operation of the  
5           charter schools to be opened or expanded with  
6           funding under this subsection.

7           “(4) SELECTION CRITERIA.—The Secretary  
8           shall select eligible entities to receive grants under  
9           this subsection, on the basis of the quality of the ap-  
10          plications submitted under paragraph (3), after tak-  
11          ing into consideration such factors as—

12                 “(A) the degree to which the eligible entity  
13                 has demonstrated success in increasing aca-  
14                 demic achievement and attainment for all stu-  
15                 dents attending the charter schools the eligible  
16                 entity operates or manages;

17                 “(B) the degree to which the eligible entity  
18                 has demonstrated success in increasing aca-  
19                 demic achievement and attainment for the sub-  
20                 groups of students described in section  
21                 1111(b)(2)(C)(v)(II);

22                 “(C) the quality of the eligible entity’s fi-  
23                 nancial and operating model as described under  
24                 paragraph (3)(C), including the quality of the  
25                 eligible entity’s plan for sustaining the oper-

1           ation of the charter schools to be replicated or  
2           expanded after the grant under this subsection  
3           has ended;

4           “(D) a determination that the eligible enti-  
5           ty has not operated or managed a significant  
6           proportion of charter schools that—

7                   “(i) have been closed;

8                   “(ii) have had a school charter re-  
9                   voked due to problems with statutory or  
10                  regulatory compliance; or

11                  “(iii) have had the school’s affiliation  
12                  with the eligible entity revoked; and

13           “(E) a determination that the eligible enti-  
14           ty has not experienced significant problems with  
15           statutory or regulatory compliance that could  
16           lead to the revocation of a school’s charter.

17           “(5) PRIORITY.—In awarding grants under this  
18           section, the Secretary shall give priority to eligible  
19           entities that operate or manage charter schools that,  
20           in the aggregate, serve students at least 60 percent  
21           of whom are eligible for a free or reduced price  
22           lunch under the Richard B. Russell National School  
23           Lunch Act.

24           “(6) TERMS AND CONDITIONS.—Except as oth-  
25           erwise provided in this subsection, grants awarded

1 under subsection (a)(2)(D) and subsection (b) shall  
2 have the same terms and conditions as grants  
3 awarded to State entities under section 5203.”.

4 **SEC. 8. RECORDS TRANSFER.**

5 Section 5208 (20 U.S.C. 7221g) is amended by in-  
6 serting “as quickly as possible and” before “to the extent  
7 practicable”.

8 **SEC. 9. DEFINITIONS.**

9 Section 5210 (20 U.S.C. 7221i) is amended—

10 (1) by redesignating paragraphs (1), (2), and  
11 (3) as paragraphs (2), (5), and (6), respectively;

12 (2) by redesignating paragraph (4) as para-  
13 graph (1), and moving such paragraph so as to pre-  
14 cede paragraph (2), as redesignated by paragraph  
15 (1) of this section;

16 (3) in paragraph (2), as redesignated by para-  
17 graph (1)—

18 (A) in subparagraph (G), by striking “,  
19 and part B” and inserting “, the Americans  
20 with Disabilities Act of 1990 (42 U.S.C. 12101  
21 et seq.), section 444 of the General Education  
22 Provisions Act (20 U.S.C. 1232g) (commonly  
23 referred to as the ‘Family Educational Rights  
24 and Privacy Act of 1974’), and part B”;

1 (B) by striking subparagraph (H) and in-  
2 serting the following:

3 “(H) is a school to which parents choose to  
4 send their children, and which—

5 “(i) admits students on the basis of a  
6 lottery, if more students apply for admis-  
7 sion than can be accommodated; or

8 “(ii) in the case of a school that has  
9 an affiliated charter school (such as a  
10 school that is part of the same network of  
11 schools), automatically enrolls students  
12 who are enrolled in the immediate prior  
13 grade level of the affiliated charter school  
14 and, for any additional student openings or  
15 student openings created through regular  
16 attrition in student enrollment in the affili-  
17 ated charter school and the enrolling  
18 school, admits students on the basis of a  
19 lottery as described in clause (i);”;

20 (C) by striking subparagraph (I) and in-  
21 serting the following:

22 “(I) agrees to comply with the same Fed-  
23 eral and State audit requirements as do other  
24 elementary schools and secondary schools in the

1 State, unless such State audit requirements are  
2 waived by the State;”;

3 (D) in subparagraph (K), by striking  
4 “and” at the end;

5 (E) in subparagraph (L), by striking the  
6 period at the end and inserting “; and”; and

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

8 “(M) may serve prekindergarten or post-  
9 secondary students.”;

10 (4) by inserting after paragraph (2), as redesign-  
11 nated by paragraph (1), the following:

12 “(3) CHARTER MANAGEMENT ORGANIZATION.—  
13 The term ‘charter management organization’ means  
14 a nonprofit organization that operates or manages  
15 multiple charter schools by centralizing or sharing  
16 certain functions or resources.

17 “(4) CHARTER SCHOOL SUPPORT ORGANIZA-  
18 TION.—The term ‘charter school support organiza-  
19 tion’ means a nonprofit, nongovernmental entity that  
20 is not an authorized public chartering agency and  
21 provides on a statewide basis—

22 “(A) assistance to developers during the  
23 planning, program design, and initial implemen-  
24 tation of a charter school; and

1           “(B) technical assistance to operating  
2 charter schools.”;

3           (5) in paragraph (6)(B), as redesignated by  
4 paragraph (1), by striking “under section  
5 5203(d)(3)”;

6           (6) by adding at the end the following:

7           “(7) EXPANSION OF A HIGH-QUALITY CHARTER  
8 SCHOOL.—The term ‘expansion of a high-quality  
9 charter school’ means increasing the enrollment at a  
10 high-quality charter school by not less than 50 per-  
11 cent or adding 2 or more grades to a high-quality  
12 charter school.

13           “(8) HIGH-QUALITY CHARTER SCHOOL.—The  
14 term ‘high-quality charter school’ means a charter  
15 school that—

16           “(A) shows evidence of strong academic re-  
17 sults, which may include strong academic  
18 growth, as determined by a State;

19           “(B) has no significant issues in the areas  
20 of student safety, financial management, or  
21 statutory or regulatory compliance;

22           “(C) has demonstrated success in signifi-  
23 cantly increasing student academic achieve-  
24 ment, including graduation rates where applica-



1           ble, for all students served by the charter  
2           school; and

3           “(D) has demonstrated success in increas-  
4           ing student academic achievement, including  
5           graduation rates where applicable, for the sub-  
6           groups of students described in section  
7           1111(b)(2)(C)(v)(II), except that such dem-  
8           onstration is not required in a case in which the  
9           number of students in a group is insufficient to  
10          yield statistically reliable information or the re-  
11          sults would reveal personally identifiable infor-  
12          mation about an individual student.

13          “(9) REPLICATION OF A HIGH-QUALITY CHAR-  
14          TER SCHOOL.—The term ‘replication of a high-qual-  
15          ity charter school’ means the opening of a charter  
16          school—

17                 “(A) under an existing charter or an addi-  
18                 tional charter, if permitted by State law;

19                 “(B) based on the model of a high-quality  
20                 charter school; and

21                 “(C) that will be operated or managed by  
22                 the same nonprofit organization that operates  
23                 or manages such high-quality charter school  
24                 under an existing charter.”.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 5211 (20 U.S.C. 7221j) is amended to read  
3 as follows:

4 **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out  
6 this subpart \$300,000,000 for fiscal year 2016 and such  
7 sums as may be necessary for each of the 5 succeeding  
8 fiscal years.”.

9 **SEC. 11. CONFORMING AMENDMENTS.**

10 (a) REPEAL.—Subpart 2 of part B of title V (20  
11 U.S.C. 7223 et seq.) is repealed.

12 (b) TABLE OF CONTENTS.—The table of contents in  
13 section 2 is amended—

14 (1) by striking the item relating to subpart 1  
15 of part B of title V and inserting the following:

“SUBPART 1—CHARTER SCHOOL PROGRAM”;

16 (2) by striking the item relating to section 5203  
17 and inserting the following:

“Sec. 5203. Grants to support high-quality charter schools.”;

18 and

19 (3) by striking the item relating to section 5204  
20 and inserting the following:

“Sec. 5204. Facilities financing assistance.”.

1           (c) SUBPART HEADING.—The heading for subpart 1  
2 of part B of title V (20 U.S.C. 7221 et seq.) is amended  
3 to read as follows: “**Charter School Program**”.

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