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## Questions for Senator Bennet's Policy Team Regarding: Equitable Access To School Facilities Act



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**Background:** On May 9, 2023, during National Charter School Week, Senators Bennet and Cassidy [released an announcement](#) about legislation impacting charter schools. The full bill text is [here](#). A few highlights are provided below:

Colorado U.S. Senator Michael Bennet and U.S. Senator Bill Cassidy, M.D. (R-La.), ranking member of the Senate Health, Education, Labor, and Pensions (HELP) Committee, introduced the Equitable Access to School Facilities Act to make it easier for charter schools to access public property and provide federal grants to states for charter school facilities. The grants, available from the Federal Charter Schools Program, can be used by charter schools to acquire and renovate existing facilities, cover ongoing facilities costs, or create a reserve fund for future acquisition, renovation, or maintenance.

“Every student deserves access to a high-quality education that prepares them for future success. This bill invests in charter schools and gives them additional tools to support students of every background,” said Bennet.

The Equitable Access to School Facilities Act would:

- Improve charter schools’ access to facilities funding and financing within a state by reducing any gaps in funding between charter schools and other public schools;
- Promote charter schools’ utilization of public buildings; and
- Increase charter schools’ access to facilities located in low-income and rural communities.

**Grassroots Interest:** *In response, a group of community members from a variety of grassroots K-12 organizations around Colorado reviewed the bill and created a list of questions for Senator Bennet and his team. Community members reached out directly to Sen. Bennet’s team and shared some high-level concerns with ICAN. Note that members of grassroots organizations in Colorado expressed surprise and confusion about the bill, given the increasingly adversarial nature of school board elections and operations in many Colorado districts. Charter schools, school choice, and privatization are related to many of the key conflicts. Related issues include: religious extremism, political extremism, eliminating the separation of church and state in public schools, anti-diversity and equity activities, accountability, school board politicization, school & student achievement, discrimination, harassment & retaliation, and, racism & bigotry.*

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<sup>1</sup> Contact information updated on 01/11/2024.

## GENERAL QUESTIONS:

1. Please help us understand the genesis of this bill. How did it come about? Why is it important to the nation's public education system? Why is it important right now?
2. How will this bill benefit Colorado?
3. How will this bill impact Colorado's education system, education policy and or education systems?

## AWARENESS OF K-12 SCHOOL BOARD CRISES AROUND COLORADO:

4. How familiar is Sen. Bennet & his team with school district conflicts that have been covered in the following communities in the past 1-2 years? Woodland Park, Douglas County, Elizabeth
5. Would you like to learn more about the issues facing school districts?

## EDUCATION PHILOSOPHY & GENERAL POLICY QUESTIONS:

6. Do you support traditional public education and believe it should be fully funded in Colorado?
7. Do you support the separation of church and state, especially in regard to public education?
8. Do you support Vouchers or Education Savings accounts, or the use of federal tax dollars to privatize education?
  - a. *Many constituents perceive this bill would be very lucrative for private investors and for-profit education management companies (EMO's)*
  - b. *This bill appears to support the privatization of public education, thus effectively **defunding** public education.*
9. Please respond: Americans regularly hear extremist activist groups and GOP politicians speak out against equity and diversity efforts in public education and government organizations.
  - a. *Legislation like this is perceived to use equity as the reason more tax dollars are needed for charter schools.*
  - b. *Examples: Desantis' efforts in FL, Moms for Liberty, various Christian nationalist groups.*
  - c. *Legislation like this is perceived as taking money OUT of public schools - using equity and inclusions as the reason.*

## DETAILED QUESTIONS ABOUT THIS BILL:

10. This bill appears to prioritize funding "public" Charters over traditional public-school facilities by actually taking assets from the public schools. Please respond.
11. Does this bill benefit or incentivize investors who are driven to achieve profit margins, versus ensure schools are a public service for all children?
  - a. *We are concerned about the lack of oversight. The language changes in (E) USES OF FUNDS, (i),(ii),(iii) & (iv) ALL benefit educational management companies.*
  - b. *This bill can be perceived as taking money from taxpayers and giving it to for-profit corporations.*
12. In the original bill & with the new language, we don't see where accountability is written to protect taxpayers. Where is the accountability?

- a. *CO is Local Control. Many of your constituents perceive that this bill was written without considering the implications to our state.*
  - b. *See Woodland Park, Colorado Springs, Elizabeth, Douglas County and Garfield County school districts for specific examples of the disruption in K-12 education.*
13. Will there be any federal outside oversight while the funds are being disbursed to ensure funds are being used properly?
- a. Under this bill, are there any loopholes that would provide for taxpayer funds being diverted to pay down existing charter debt?
  - b. Are there any implications or loopholes in this bill that would allow for taxpayer funds be used for any of the following: Charter school, system or group administrative fees, attorney fees, or private security firms vs. SRO's?
14. Will the charter be required to bid for construction, remodeling, etc.?

### **SPECIFIC LANGUAGE QUESTIONS:**

15. ESSER audits will not be conducted until 2024 per the bill. By then it's too late-money is spent. How will funds be protected BEFORE they are spent?
16. SEC.4. STATE FACILITIES AID PROGRAM AUTHORIZED. Replacing language from Secretary to State Entity allows EMO's, religious, etc to have public school facilities and taxpayer funds. Again, limited oversight while stealing taxpayer money. How much Administration cost can be tacked on?
17. SEC.2.PURPOSE. Affordability of charter schools' facilities again helps to defund public schools by taking their assets and prioritizes charter schools and EMO's. "Public" Charters will be given additional funding while public schools have to work within their budgets. This bill speaks about "equity" (C)(i), but it reads as "public" charters being given preference.
18. (D) PRIORITIES. (ii) Do traditional public schools have access to tax exempt financing? Why not? (iv) Does this override state law which gives local school boards authority to deny a charter in their district?

### **IMPLICATIONS AND CONSEQUENCES OF THIS BILL: SEPARATION OF CHURCH & STATE**

- *These questions are related to the separation of church and state, religion in schools and the influence of Christian nationalism in the United States and Colorado.*
  - *Religion, religious liberty and freedom from religion are strongly linked to the conflicts in the school choice arena.*
19. This bill creates the perception that Senator Bennet supports the use of federal tax dollars going to schools' religious-based curriculum (example Hillsdale) in "public" charter schools. Please respond.
- a. *Colorado districts currently have charter schools using Hillsdale curriculum.*
  - b. *Woodland Park School District voted to adopt the ultra-conservative American Birthright Standards in direct conflict with the CDE's adoption of social studies standards. (See 1192 Commission)*
20. What is Senator Bennet and the Democratic Party doing to protect the separation of church and state?