

116TH CONGRESS
2^D SESSION

H. R. 2639

AN ACT

To establish the Strength in Diversity Program, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strength in Diversity
3 Act of 2020”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to support the develop-
6 ment, implementation, and evaluation of comprehensive
7 strategies to address the effects of racial isolation or con-
8 centrated poverty by increasing diversity, including racial
9 diversity and socioeconomic diversity, in covered schools.

10 **SEC. 3. RESERVATION FOR NATIONAL AND STATE ACTIVI-**
11 **TIES.**

12 (a) NATIONAL ACTIVITIES.—The Secretary may re-
13 serve not more than 5 percent of the amounts made avail-
14 able under section 10 for a fiscal year to carry out activi-
15 ties of national significance relating to this Act, which may
16 include—

17 (1) research, development, data collection, mon-
18 itoring, technical assistance, evaluation, or dissemi-
19 nation activities; and

20 (2) the development and maintenance of best
21 practices for recipients of grants under section 4 and
22 other experts in the field of school diversity.

23 (b) STATE ACTIVITIES.—The Secretary may reserve
24 not more than 10 percent of the amounts made available
25 under section 10 for a fiscal year for planning grants and

1 implementation grants made to State educational agencies
2 under section 4.

3 **SEC. 4. GRANT PROGRAM AUTHORIZED.**

4 (a) AUTHORIZATION.—

5 (1) IN GENERAL.—From the amounts made
6 available under section 10 and not reserved under
7 section 3 for a fiscal year, the Secretary shall award
8 grants in accordance with subsection (b) to eligible
9 entities to develop or implement plans to improve di-
10 versity and reduce or eliminate racial or socio-
11 economic isolation in covered schools.

12 (2) TYPES OF GRANTS.—The Secretary may, in
13 any fiscal year, award—

14 (A) planning grants to carry out the activi-
15 ties described in section 6(a);

16 (B) implementation grants to carry out the
17 activities described in section 6(b); or

18 (C) both such planning grants and imple-
19 mentation grants.

20 (b) AWARD BASIS.—

21 (1) CRITERIA FOR EVALUATING APPLICA-
22 TIONS.—The Secretary shall award grants under
23 this section on a competitive basis, based on—

24 (A) the quality of the application sub-
25 mitted by an eligible entity under section 5;

1 (B) the likelihood, as determined by the
2 Secretary, that the eligible entity will use the
3 grant to improve student outcomes or outcomes
4 on other performance measures described in
5 section 7; and

6 (C) the likelihood that the grant will lead
7 to a meaningful reduction in racial and eco-
8 nomic isolation for children in covered schools.

9 (2) PRIORITY.—In awarding grants under this
10 section, the Secretary shall give priority to the fol-
11 lowing eligible entities:

12 (A) First, to an eligible entity that sub-
13 mitted an application for a grant under the
14 Opening Doors, Expanding Opportunities pro-
15 gram described in the notice published by the
16 Department of Education in the Federal Reg-
17 ister on December 14, 2016 (81 Fed. Reg.
18 90343 et seq.).

19 (B) Second, to an eligible entity that pro-
20 poses, in an application submitted under section
21 5, to use the grant to support a program that
22 addresses racial isolation.

23 (C) Third, to an eligible entity that pro-
24 poses, in an application submitted under section
25 5, to use the grant to support a program that

1 extends beyond one local educational agency,
2 such as an inter-district or regional program.

3 (D) Fourth, to an eligible entity that dem-
4 onstrates meaningful coordination with local
5 housing agencies to increase access to schools
6 that have a disproportionately low number of
7 low-income students.

8 (c) DURATION OF GRANTS.—

9 (1) PLANNING GRANT.—A planning grant
10 awarded under this section shall be for a period of
11 not more than 1 year.

12 (2) IMPLEMENTATION GRANT.—An implemen-
13 tation grant awarded under this section shall be for
14 a period of not more than 3 years, except that the
15 Secretary may extend an implementation grant for
16 an additional 2-year period if the eligible entity re-
17 ceiving the grant demonstrates to the Secretary that
18 the eligible entity is making significant progress, as
19 determined by the Secretary, on the program per-
20 formance measures described in section 7.

21 **SEC. 5. APPLICATIONS.**

22 In order to receive a grant under section 4, an eligible
23 entity shall submit an application to the Secretary at such
24 time and in such manner as the Secretary may require.
25 Such application shall include—

1 (1) a description of the program for which the
2 eligible entity is seeking a grant, including—

3 (A) how the eligible entity proposes to use
4 the grant to improve the academic and life out-
5 comes of students in racial or socioeconomic
6 isolation in covered schools by supporting inter-
7 ventions that increase diversity for students in
8 such covered schools;

9 (B) in the case of an implementation
10 grant, the implementation grant plan described
11 in section 6(b)(1); and

12 (C) evidence, or if such evidence is not
13 available, a rationale based on current research,
14 regarding how the program will increase diver-
15 sity;

16 (2) in the case of an eligible entity proposing to
17 use any of the grant to benefit covered schools that
18 are racially isolated, a description of how the eligible
19 entity will identify and define racial isolation;

20 (3) in the case of an eligible entity proposing to
21 use any portion of the grant to benefit high-poverty
22 covered schools, a description of how the eligible en-
23 tity will identify and define income level and socio-
24 economic status;

1 (4) a description of the plan of the eligible enti-
2 ty for continuing the program after the grant period
3 ends;

4 (5) a description of how the eligible entity will
5 assess, monitor, and evaluate the impact of the ac-
6 tivities funded under the grant on student achieve-
7 ment and student enrollment diversity;

8 (6) an assurance that the eligible entity has
9 conducted, or will conduct, robust parent and com-
10 munity engagement, while planning for and imple-
11 menting the program, such as through—

12 (A) consultation with appropriate officials
13 from Indian Tribes or Tribal organizations ap-
14 proved by the Tribes located in the area served
15 by the eligible entity;

16 (B) consultation with other community en-
17 tities, including local housing or transportation
18 authorities;

19 (C) public hearings or other open forums
20 to inform the development of any formal strat-
21 egy to increase diversity; and

22 (D) outreach to parents and students, in a
23 language that parents and students can under-
24 stand, and consultation with students and fami-
25 lies in the targeted district or region that is de-

1 signed to ensure participation in the planning
2 and development of any formal strategy to in-
3 crease diversity;

4 (7) an estimate of the number of students that
5 the eligible entity plans to serve under the program
6 and the number of students to be served through ad-
7 ditional expansion of the program after the grant
8 period ends;

9 (8) an assurance that the eligible entity will—

10 (A) cooperate with the Secretary in evalu-
11 ating the program, including any evaluation
12 that might require data and information from
13 multiple recipients of grants under section 4;
14 and

15 (B) engage in the best practices developed
16 under section 3(2);

17 (9) an assurance that, to the extent possible,
18 the eligible entity has considered the potential impli-
19 cations of the grant activities on the demographics
20 and student enrollment of nearby covered schools
21 not included in the activities of the grant;

22 (10) in the case of an eligible entity applying
23 for an implementation grant, a description of how
24 the eligible entity will—

1 (A) implement, replicate, or expand a
2 strategy based on a strong or moderate level of
3 evidence (as described in subclause (I) or (II)
4 of section 8101(21)(A)(i) of the Elementary
5 and Secondary Education Act of 1965 (20
6 U.S.C. 7801(21)(A)(i)); or

7 (B) test a promising strategy to increase
8 diversity in covered schools;

9 (11) in the case of an application by a consor-
10 tium of local educational agencies, a specification of
11 which agency is the lead applicant, and how the
12 grant funds will be divided among the school dis-
13 tricts served by such consortium; and

14 (12) in the case of an application by a State
15 education agency, a demonstration that the agency
16 has procedures in place—

17 (A) to assess and prevent the redrawing of
18 school district lines in a manner that increases
19 racial or socioeconomic isolation;

20 (B) to assess the segregation impacts of
21 new school construction proposals and to
22 prioritize school construction funding that will
23 foreseeably increase racial and economic inte-
24 gration; and

1 (C) to include progress toward reduction of
2 racial and economic isolation as a factor in its
3 State plan under section 1111 of the Elemen-
4 tary and Secondary Education Act of 1965 (20
5 U.S.C. 6311).

6 **SEC. 6. USES OF FUNDS.**

7 (a) PLANNING GRANTS.—Each eligible entity that re-
8 ceives a planning grant under section 4 shall use the grant
9 to support students in covered schools through the fol-
10 lowing activities:

11 (1) Completing a comprehensive assessment of,
12 with respect to the geographic area served by such
13 eligible entity—

14 (A) the educational outcomes and racial
15 and socioeconomic stratification of children at-
16 tending covered schools;

17 (B) an analysis of the location and capac-
18 ity of program and school facilities and the ade-
19 quacy of local or regional transportation infra-
20 structure; and

21 (C) teacher diversity in covered schools,
22 and plans for expanding teacher diversity.

23 (2) Developing and implementing a robust fam-
24 ily, student, and community engagement plan, in-
25 cluding, where feasible, public hearings or other

1 open forums that would precede and inform the de-
2 velopment of a formal strategy to improve diversity
3 in covered schools.

4 (3) Developing options, including timelines and
5 cost estimates, for improving diversity in covered
6 schools, such as weighted lotteries, revised feeder
7 patterns, school boundary redesign, or regional co-
8 ordination.

9 (4) Developing an implementation plan based
10 on community preferences among the options devel-
11 oped under paragraph (3).

12 (5) Building the capacity to collect and analyze
13 data that provide information for transparency, con-
14 tinuous improvement, and evaluation.

15 (6) Developing an implementation plan to com-
16 ply with a court-ordered school desegregation plan.

17 (7) Engaging in best practices developed under
18 section 3(2).

19 (8) If applicable, developing an implementation
20 plan to replace entrance exams or other competitive
21 application procedures with methods of student as-
22 signment to promote racial and socioeconomic diver-
23 sity.

24 (b) IMPLEMENTATION GRANTS.—

1 (1) IMPLEMENTATION GRANT PLAN.—Each eli-
2 gible entity that receives an implementation grant
3 under section 4 shall implement a high-quality plan
4 to support students in covered schools that in-
5 cludes—

6 (A) a comprehensive set of strategies de-
7 signed to improve academic outcomes for all
8 students, particularly students of color and low-
9 income students, by increasing diversity in cov-
10 ered schools;

11 (B) evidence of strong family and commu-
12 nity support for such strategies, including evi-
13 dence that the eligible entity has engaged in
14 meaningful family and community outreach ac-
15 tivities;

16 (C) goals to increase diversity in covered
17 schools over the course of the grant period;

18 (D) collection and analysis of data to pro-
19 vide transparency and support continuous im-
20 provement throughout the grant period; and

21 (E) a rigorous method of evaluation of the
22 effectiveness of the program.

23 (2) IMPLEMENTATION GRANT ACTIVITIES.—
24 Each eligible entity that receives an implementation

1 grant under section 4 may use the grant to carry
2 out one or more of the following activities:

3 (A) Recruiting, hiring, or training addi-
4 tional teachers, administrators, school coun-
5 selors, and other instructional and support staff
6 in new, expanded, or restructured covered
7 schools, or other professional development ac-
8 tivities for staff and administrators.

9 (B) Investing in specialized academic pro-
10 grams or facilities designed to encourage inter-
11 district school attendance patterns.

12 (C) Developing or initiating a transpor-
13 tation plan for bringing students to and from
14 covered schools, if such transportation is sus-
15 tainable beyond the grant period and does not
16 represent a significant portion of the grant re-
17 ceived by an eligible entity under section 4.

18 (D) Developing innovative and equitable
19 school assignment plans.

20 (E) Carrying out innovative activities de-
21 signed to increase racial and socioeconomic
22 school diversity and engagement between chil-
23 dren from different racial, economic, and cul-
24 tural backgrounds.

1 (F) Creating or improving systems and
2 partnerships to create a one-stop enrollment
3 process for students with multiple public school
4 options, including making school information
5 and data more accessible and easy to under-
6 stand, in order to ensure access to low poverty
7 or high-performing schools for low-income chil-
8 dren and to promote racial and socioeconomic
9 diversity.

10 **SEC. 7. PERFORMANCE MEASURES.**

11 The Secretary shall establish performance measures
12 for the programs and activities carried out through a
13 grant under section 4. These measures, at a minimum,
14 shall track the progress of each eligible entity in—

15 (1) improving academic and other develop-
16 mental or noncognitive outcomes for each subgroup
17 described in section 1111(b)(2)(B)(xi) of the Ele-
18 mentary and Secondary Education Act of 1965 (20
19 U.S.C. 6311(b)(2)(B)(xi)) that is served by the eligi-
20 ble entity on measures, including, as applicable,
21 by—

22 (A) increasing school readiness;

23 (B) increasing student achievement and
24 decreasing achievement gaps;

1 (C) increasing high school graduation
2 rates;

3 (D) increasing readiness for postsecondary
4 education and careers;

5 (E) improving access to mental health and
6 social-emotional learning;

7 (F) reducing school discipline rates; and

8 (G) any other indicator the Secretary or el-
9 igible entity may identify; and

10 (2) increasing diversity and decreasing racial or
11 socioeconomic isolation in covered schools.

12 **SEC. 8. ANNUAL REPORTS.**

13 An eligible entity that receives a grant under section
14 4 shall submit to the Secretary, at such time and in such
15 manner as the Secretary may require, an annual report
16 that includes—

17 (1) a description of the efforts of the eligible
18 entity to increase inclusivity;

19 (2) information on the progress of the eligible
20 entity with respect to the performance measures de-
21 scribed in section 7;

22 (3) the data supporting such progress;

23 (4) a description of how the eligible entity will
24 continue to make improvements toward increasing
25 diversity and decreasing racial or socioeconomic iso-

1 lation in covered schools and sustaining inclusion;
2 and

3 (5) information on the progress of regional pro-
4 grams on reducing racial and socioeconomic isolation
5 in covered schools, if applicable.

6 **SEC. 9. APPLICABILITY.**

7 Section 426 of the General Education Provisions Act
8 (20 U.S.C. 1228) shall not apply with respect to activities
9 carried out under a grant under this Act.

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

11 There are authorized to be appropriated to carry out
12 this Act such sums as may be necessary for fiscal year
13 2020 and each of the 5 succeeding fiscal years.

14 **SEC. 11. DEFINITIONS.**

15 In this Act:

16 (1) COVERED SCHOOL.—The term “covered
17 school” means—

18 (A) a publicly-funded early childhood edu-
19 cation program;

20 (B) a public elementary school; or

21 (C) a public secondary school.

22 (2) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means a State educational agency, a local edu-
24 cational agency, a consortium of such agencies, an
25 educational service agency, or regional educational

1 agency that at the time of the application of such el-
2 ible entity has significant achievement gaps and
3 socioeconomic or racial segregation within or be-
4 tween the school districts served by such entity.

5 (3) ESEA TERMS.—The terms “educational
6 service agency”, “elementary school”, “local edu-
7 cational agency”, “secondary school”, “Secretary”,
8 and “State educational agency” have the meanings
9 given such terms in section 8101 of the Elementary
10 and Secondary Education Act of 1965 (20 U.S.C.
11 7801).

12 (4) PUBLICLY-FUNDED EARLY CHILDHOOD
13 EDUCATION PROGRAM.—The term “publicly-funded
14 early childhood education program” means an early
15 childhood education program (as defined in section
16 103(8) of the Higher Education Act of 1965 (20
17 U.S.C. 1003(8)) that receives State or Federal
18 funds.

Passed the House of Representatives September 15,
2020.

Attest:

Clerk.

116TH CONGRESS
2^D SESSION

H. R. 2639

AN ACT

To establish the Strength in Diversity Program,
and for other purposes.