

Union Calendar No. 397

116TH CONGRESS
2D SESSION

H. R. 2639

[Report No. 116–496]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Ms. FUDGE (for herself, Mr. SCOTT of Virginia, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Education and Labor

SEPTEMBER 8, 2020

Additional sponsors: Mrs. BEATTY, Mr. BUTTERFIELD, Ms. JAYAPAL, Mr. DESAULNIER, Mr. GRIJALVA, Ms. SCANLON, Ms. OMAR, Ms. SCHAKOWSKY, Mr. RICHMOND, Mr. LEVIN of Michigan, Ms. CLARKE of New York, Mr. TRONE, Mr. DANNY K. DAVIS of Illinois, Ms. WILSON of Florida, Mr. NEGUSE, Ms. NORTON, Ms. WILD, Ms. BLUNT ROCHESTER, Mr. COURTNEY, Mr. CLAY, Mr. GALLEG0, Mrs. HAYES, Mr. COHEN, Ms. ADAMS, Ms. JACKSON LEE, Mrs. WATSON COLEMAN, Ms. KELLY of Illinois, Mr. MCGOVERN, Ms. BONAMICI, Mr. GREEN of Texas, Mr. THOMPSON of Mississippi, Ms. SPANBERGER, Mr. CISNEROS, Mr. BISHOP of Georgia, Mr. BROWN of Maryland, Mr. CARSON of Indiana, Mr. CLYBURN, Ms. JOHNSON of Texas, Mrs. MCBATH, Mr. MEEKS, Mr. PAYNE, Ms. PLASKETT, Mr. RUSH, Ms. SEWELL of Alabama, Mr. VEASEY, Mr. TAKANO, Mr. ALLRED, Mr. MORELLE, Ms. UNDERWOOD, Mr. NADLER, Mrs. LAWRENCE, Ms. CRAIG, Ms. SCHRIER, Mrs. TRAHAN, Mr. BLUMENAUER, Mr. ENGEL, Ms. CASTOR of Florida, Ms. GARCIA of Texas, Ms. LEE of California, Mr. ESPAILLAT, Ms. HAALAND, Mr. FOSTER, Mr. LYNCH, Mr. WELCH, Ms. PRESSLEY, Mr. MALINOWSKI, Ms. DEAN, Ms. CLARK of Massachusetts, Mr. COOPER, Mr. CONNOLLY, Mr. LUJÁN, Mr. RYAN, Ms. SÁNCHEZ, Ms. STEVENS, Mr. CICILLINE, Ms. BASS, Mr. PRICE of North Carolina, Mr. EVANS, Ms. WASSERMAN SCHULTZ, Mr. SOTO, Mr. LAWSON of Florida, Ms. KAPTUR, Mr. CASTRO of Texas, Mr. LARSON of Connecticut, Mr. NORCROSS, Mr. HASTINGS, Ms. MENG, Mr. RASKIN, Mr. VELA, Ms. DELAURO, Ms. SPEIER, Ms. VELÁZQUEZ, Mr. CLEAVER, Mrs. KIRKPATRICK, Mr. KILDEE, Ms. DEGETTE, Mr.

LOWENTHAL, Ms. MOORE, Mr. MOULTON, Mr. GARCÍA of Illinois, Mr.
McEACHIN, Mr. DAVID SCOTT of Georgia, and Mr. DELGADO

SEPTEMBER 8, 2020

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 9, 2019]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Strength in Diversity*
 5 *Act of 2019”.*

6 **SEC. 2. PURPOSE.**

7 *The purpose of this Act is to support the development,*
 8 *implementation, and evaluation of comprehensive strategies*
 9 *to address the effects of racial isolation or concentrated pov-*
 10 *erty by increasing diversity, including racial diversity and*
 11 *socioeconomic diversity, in covered schools.*

12 **SEC. 3. RESERVATION FOR NATIONAL ACTIVITIES.**

13 *The Secretary may reserve not more than 5 percent*
 14 *of the amounts made available under section 10 for a fiscal*
 15 *year to carry out activities of national significance relating*
 16 *to this Act, which may include—*

17 (1) *research, development, data collection, moni-*
 18 *toring, technical assistance, evaluation, or dissemina-*
 19 *tion 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 **SEC. 4. GRANT PROGRAM AUTHORIZED.**

24 (a) *AUTHORIZATION.—*

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

8 (2) *TYPES OF GRANTS.*—*The Secretary may, in*
 9 *any fiscal year, award—*

10 (A) *planning grants to carry out the activi-*
 11 *ties described in section 6(a);*

12 (B) *implementation grants to carry out the*
 13 *activities described in section 6(b); or*

14 (C) *both such planning grants and imple-*
 15 *mentation grants.*

16 (b) *AWARD BASIS.*—

17 (1) *CRITERIA FOR EVALUATING APPLICATIONS.*—
 18 *The Secretary shall award grants under this section*
 19 *on a competitive basis, based on—*

20 (A) *the quality of the application submitted*
 21 *by an eligible entity under section 5; and*

22 (B) *the likelihood, as determined by the Sec-*
 23 *retary, that the eligible entity will use the grant*
 24 *to improve student outcomes or outcomes on*

1 *other performance measures described in section*
2 *7.*

3 *(2) PRIORITY.—In awarding grants under this*
4 *section, the Secretary shall give priority to the fol-*
5 *lowing eligible entities:*

6 *(A) First, to an eligible entity that pro-*
7 *poses, in an application submitted under section*
8 *5, to use the grant to support a program that*
9 *addresses racial isolation.*

10 *(B) Second, to an eligible entity that pro-*
11 *poses, in an application submitted under section*
12 *5, to use the grant to support a program that ex-*
13 *tends beyond one local educational agency, such*
14 *as an inter-district or regional program.*

15 *(c) DURATION OF GRANTS.—*

16 *(1) PLANNING GRANT.—A planning grant*
17 *awarded under this section shall be for a period of not*
18 *more than 1 year.*

19 *(2) IMPLEMENTATION GRANT.—An implementa-*
20 *tion grant awarded under this section shall be for a*
21 *period of not more than 3 years, except that the Sec-*
22 *retary may extend an implementation grant for an*
23 *additional 2-year period if the eligible entity receiv-*
24 *ing the grant demonstrates to the Secretary that the*
25 *eligible entity is making significant progress, as de-*

1 *terminated by the Secretary, on the program perform-*
2 *ance measures described in section 7.*

3 **SEC. 5. APPLICATIONS.**

4 *In order to receive a grant under section 4, an eligible*
5 *entity shall submit an application to the Secretary at such*
6 *time and in such manner as the Secretary may require.*
7 *Such application shall include—*

8 *(1) a description of the program for which the el-*
9 *igible entity is seeking a grant, including—*

10 *(A) how the eligible entity proposes to use*
11 *the grant to improve the academic and life out-*
12 *comes of students in racial or socioeconomic iso-*
13 *lation in covered schools by supporting interven-*
14 *tions that increase diversity in such covered*
15 *schools;*

16 *(B) in the case of an implementation grant,*
17 *the implementation grant plan described in sec-*
18 *tion 6(b)(1); and*

19 *(C) evidence, or if such evidence is not*
20 *available, a rationale based on current research,*
21 *regarding how the program will increase diver-*
22 *sity;*

23 *(2) in the case of an eligible entity proposing to*
24 *use any of the grant to benefit covered schools that are*

1 *racially isolated, a description of how the eligible en-*
2 *tity will identify and define racial isolation;*

3 *(3) in the case of an eligible entity proposing to*
4 *use any portion of the grant to benefit high-poverty*
5 *covered schools, a description of how the eligible entity*
6 *will identify and define income level and socio-*
7 *economic status;*

8 *(4) a description of the plan of the eligible entity*
9 *for continuing the program after the grant period*
10 *ends;*

11 *(5) a description of how the eligible entity will*
12 *assess, monitor, and evaluate the impact of the activi-*
13 *ties funded under the grant on student achievement*
14 *and student enrollment diversity;*

15 *(6) an assurance that the eligible entity has con-*
16 *ducted, or will conduct, robust parent and community*
17 *engagement, while planning for and implementing the*
18 *program, such as through—*

19 *(A) consultation with appropriate officials*
20 *from Indian Tribes or Tribal organizations ap-*
21 *proved by the Tribes located in the area served*
22 *by the eligible entity;*

23 *(B) consultation with other community en-*
24 *tities, including local housing or transportation*
25 *authorities;*

1 (C) public hearings or other open forums to
2 inform the development of any formal strategy to
3 increase diversity; and

4 (D) outreach to parents and students, in a
5 language that parents and students can under-
6 stand, and consultation with students and fami-
7 lies in the targeted district or region that is de-
8 signed to ensure participation in the planning
9 and development of any formal strategy to in-
10 crease diversity;

11 (7) an estimate of the number of students that
12 the eligible entity plans to serve under the program
13 and the number of students to be served through addi-
14 tional expansion of the program after the grant pe-
15 riod ends;

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

17 (A) cooperate with the Secretary in evalu-
18 ating the program, including any evaluation
19 that might require data and information from
20 multiple recipients of grants under section 4;
21 and

22 (B) engage in the best practices developed
23 under section 3(2);

24 (9) an assurance that, to the extent possible, the
25 eligible entity has considered the potential implica-

1 *tions of the grant activities on the demographics and*
 2 *student enrollment of nearby covered schools not in-*
 3 *cluded in the activities of the grant; and*

4 *(10) in the case of an eligible entity applying for*
 5 *an implementation grant, a description of how the el-*
 6 *igible entity will—*

7 *(A) implement, replicate, or expand a strat-*
 8 *egy based on a strong or moderate level of evi-*
 9 *dence (as described in subclause (I) or (II) of sec-*
 10 *tion 8101(21)(A)(i) of the Elementary and Sec-*
 11 *ondary Education Act of 1965 (20 U.S.C.*
 12 *7801(21)(A)(i))); or*

13 *(B) test a promising strategy to increase di-*
 14 *versity in covered schools.*

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

16 *(a) PLANNING GRANTS.—Each eligible entity that re-*
 17 *ceives a planning grant under section 4 shall use the grant*
 18 *to support students in covered schools through the following*
 19 *activities:*

20 *(1) Completing a comprehensive assessment of,*
 21 *with respect to the geographic area served by such eli-*
 22 *gible entity—*

23 *(A) the educational outcomes and racial*
 24 *and socioeconomic stratification of children at-*
 25 *tending covered schools; and*

1 (B) an analysis of the location and capac-
2 ity of program and school facilities and the ade-
3 quacy of local or regional transportation infra-
4 structure.

5 (2) Developing and implementing a robust fam-
6 ily, student, and community engagement plan, in-
7 cluding, where feasible, public hearings or other open
8 forums that would precede and inform the develop-
9 ment of a formal strategy to improve diversity in cov-
10 ered schools.

11 (3) Developing options, including timelines and
12 cost estimates, for improving diversity in covered
13 schools, such as weighted lotteries, revised feeder pat-
14 terns, school boundary redesign, or regional coordina-
15 tion.

16 (4) Developing an implementation plan based on
17 community preferences among the options developed
18 under paragraph (3).

19 (5) Building the capacity to collect and analyze
20 data that provide information for transparency, con-
21 tinuous improvement, and evaluation.

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

24 (7) Engaging in best practices developed under
25 section 3(2).

1 (b) *IMPLEMENTATION GRANTS.*—

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

6 (A) *a comprehensive set of strategies de-*
7 *signed to improve academic outcomes for all stu-*
8 *dents, particularly students of color and low-in-*
9 *come students, by increasing diversity in covered*
10 *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.*—*Each*
24 *eligible entity that receives an implementation grant*

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

3 *(A) Recruiting, hiring, or training addi-*
4 *tional teachers, administrators, and other in-*
5 *structional and support staff in new, expanded,*
6 *or restructured covered schools, or other profes-*
7 *sional development activities for staff and ad-*
8 *ministrators.*

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 sustain-*
15 *able beyond the grant period and does not rep-*
16 *resent a significant portion of the grant received*
17 *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 children*
23 *from different racial, economic, and cultural*
24 *backgrounds.*

1 **SEC. 7. PERFORMANCE MEASURES.**

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

6 *(1) improving academic and other developmental*
7 *or noncognitive outcomes for each subgroup described*
8 *in section 1111(b)(2)(B)(xi) of the Elementary and*
9 *Secondary Education Act of 1965 (20 U.S.C.*
10 *6311(b)(2)(B)(xi)) that is served by the eligible entity*
11 *on measures, including, as applicable, by—*

12 *(A) increasing school readiness;*

13 *(B) increasing student achievement and de-*
14 *creasing achievement gaps;*

15 *(C) increasing high school graduation rates;*

16 *(D) increasing readiness for postsecondary*
17 *education and careers;*

18 *(E) reducing school discipline rates; and*

19 *(F) any other indicator the Secretary or eli-*
20 *gible entity may identify; and*

21 *(2) increasing diversity and decreasing racial or*
22 *socioeconomic isolation in covered schools.*

23 **SEC. 8. ANNUAL REPORTS.**

24 *An eligible entity that receives a grant under section*
25 *4 shall submit to the Secretary, at such time and in such*

1 manner as the Secretary may require, an annual report
2 that includes—

3 (1) a description of the efforts of the eligible enti-
4 ty to increase inclusivity;

5 (2) information on the progress of the eligible en-
6 tity with respect to the performance measures de-
7 scribed in section 7; and

8 (3) the data supporting such progress.

9 **SEC. 9. APPLICABILITY.**

10 Section 426 of the General Education Provisions Act
11 (20 U.S.C. 1228) shall not apply with respect to activities
12 carried out under a grant under this Act.

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

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

17 **SEC. 11. DEFINITIONS.**

18 In this Act:

19 (1) COVERED SCHOOL.—The term “covered
20 school” means—

21 (A) a publicly-funded early childhood edu-
22 cation program;

23 (B) a public elementary school; or

24 (C) a public secondary school.

1 (2) *ELIGIBLE ENTITY.*—The term “eligible enti-
2 ty” means a local educational agency, a consortium
3 of such agencies, an educational service agency, or re-
4 gional educational agency that at the time of the ap-
5 plication of such eligible entity has significant
6 achievement gaps and socioeconomic or racial seg-
7 regation within or between the school districts served
8 by such entity.

9 (3) *ESEA TERMS.*—The terms “educational serv-
10 ice agency”, “elementary school”, “local educational
11 agency”, “secondary school”, and “Secretary” have
12 the meanings given such terms in section 8101 of the
13 Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 7801).

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

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