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

IN THE SENATE OF THE UNITED STATES
MAY 17, 2022
Mr. Murphy (for himself, Mr. Blumenthal, Ms. Warren, Mr. Brown, Mr. Sanders, Mr. Padilla, and Ms. Duckworth) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Strength in Diversity Act of 2022”.

SEC. 2. PURPOSE.
The purpose of this Act is to support the development, implementation, and evaluation of comprehensive strategies to address the effects of racial isolation or con-
centrated poverty by increasing diversity, including racial
diversity and socioeconomic diversity, in covered schools.

SEC. 3. RESERVATION FOR NATIONAL AND STATE ACTIVITIES.

(a) National Activities.—The Secretary may reserve not more than 5 percent of the amounts made available under section 9 for a fiscal year to carry out activities of national significance relating to this Act, which may include—

(1) research, development, data collection, monitoring, technical assistance, evaluation, or dissemination activities; and

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

(b) State Activities.—The Secretary may reserve not more than 10 percent of the amounts made available under section 9 for a fiscal year for planning grants and implementation grants made to State educational agencies under section 4.

SEC. 4. GRANT PROGRAM AUTHORIZED.

(a) Authorization.—

(1) In general.—From the amounts made available under section 9 and not reserved under section 3 for a fiscal year, the Secretary shall award
grants in accordance with subsection (b) to eligible entities to develop or implement plans to improve diversity and reduce or eliminate racial or socio-economic isolation in covered schools.

(2) Types of Grants.—The Secretary may, in any fiscal year, award—

(A) planning grants to carry out the activities described in section 6(a);

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

(C) both such planning grants and implementation grants.

(b) Award Basis.—

(1) Criteria for Evaluating Applications.—The Secretary shall award grants under this section on a competitive basis, based on—

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

(B) the likelihood, as determined by the Secretary, that the eligible entity will use the grant to improve student outcomes or outcomes on other performance measures described in section 7; and
(C) the likelihood that the grant will lead to a meaningful reduction in racial and economic isolation for children in covered schools.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to the following eligible entities:

(A) First, to an eligible entity that submitted an application for a grant under the Opening Doors, Expanding Opportunities program described in the notice published by the Department of Education in the Federal Register on December 14, 2016 (81 Fed. Reg. 90343 et seq.).

(B) Second, to an eligible entity that proposes, in an application submitted under section 5, to use the grant to support a program that addresses racial isolation.

(C) Third, to an eligible entity that proposes, in an application submitted under section 5, to use the grant to support a program that extends beyond one local educational agency, such as an inter-district or regional program.

(D) Fourth, to an eligible entity that demonstrates meaningful coordination with local housing agencies to increase access to schools
that have a disproportionately low number of
low-income students.

(c) Duration of Grants.—

(1) Planning Grant.—A planning grant
awarded under this section shall be for a period of
not more than 1 year.

(2) Implementation Grant.—An implement-
ation grant awarded under this section shall be for
a period of not more than 3 years, except that the
Secretary may extend an implementation grant for
an additional 2-year period if the eligible entity re-
ceiving the grant demonstrates to the Secretary that
the eligible entity is making significant progress, as
determined by the Secretary, on the program per-
formance measures described in section 7.

Sec. 5. Applications.

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

Such application shall include—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) an assurance that the eligible entity will—

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

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

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

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

(A) implement, replicate, or expand a
strategy based on a strong or moderate level of
evidence (as described in subclause (I) or (II)
of section 8101(21)(A)(i) of the Elementary
and Secondary Education Act of 1965 (20
U.S.C. 7801(21)(A)(i)); or
(B) test a promising strategy to increase diversity in covered schools;

(11) in the case of an application by a consortium of local educational agencies, a specification of which agency is the lead applicant, and how the grant funds will be divided among the school districts served by such consortium; and

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

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

(B) to assess the segregation impacts of new school construction proposals and to prioritize school construction funding that will foreseeably increase racial and economic integration; and

(C) to include progress toward reduction of racial and economic isolation as a factor in its State plan under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311).
SEC. 6. USES OF FUNDS.

(a) PLANNING GRANTS.—Each eligible entity that receives a planning grant under section 4 shall use the grant to support students in covered schools through the following activities:

1. Completing a comprehensive assessment of, with respect to the geographic area served by such eligible entity—

   (A) the educational outcomes and racial and socioeconomic stratification of children attending covered schools;

   (B) an analysis of the location and capacity of program and school facilities and the adequacy of local or regional transportation infrastructure; and

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

2. Developing and implementing a robust family, student, and community engagement plan, including, where feasible, public hearings or other open forums that would precede and inform the development of a formal strategy to improve diversity in covered schools.

3. Developing options, including timelines and cost estimates, for improving diversity in covered schools, such as weighted lotteries, revised feeder
patterns, school boundary redesign, or regional coordination.

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

(5) Building the capacity to collect and analyze data that provide information for transparency, continuous improvement, and evaluation.

(6) Developing an implementation plan to comply with a court-ordered school desegregation plan.

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

(8) If applicable, developing an implementation plan to replace entrance exams or other competitive application procedures with methods of student assignment to promote racial and socioeconomic diversity.

(b) IMPLEMENTATION GRANTS.—

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

(A) a comprehensive set of strategies designed to improve academic outcomes for all
students, particularly students of color and low-income students, by increasing diversity in covered schools;

(B) evidence of strong family and community support for such strategies, including evidence that the eligible entity has engaged in meaningful family and community outreach activities;

(C) goals to increase diversity, including teacher diversity, in covered schools over the course of the grant period;

(D) collection and analysis of data to provide transparency and support continuous improvement throughout the grant period; and

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

(2) Implementation Grant Activities.— Each eligible entity that receives an implementation grant under section 4 may use the grant to carry out one or more of the following activities:

(A) Recruiting, hiring, or training additional teachers, administrators, school counselors, and other instructional and support staff in new, expanded, or restructured covered
schools, or other professional development ac-
tivities for staff and administrators.

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

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

(D) Developing innovative and equitable
school assignment plans.

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

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

(G) Increasing teacher diversity in covered schools.

SEC. 7. PERFORMANCE MEASURES.

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

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

(A) increasing school readiness;

(B) increasing student achievement and decreasing achievement gaps;

(C) increasing high school graduation rates;

(D) increasing readiness for postsecondary education and careers;

(E) improving access to mental health and social-emotional learning;
(F) reducing school discipline rates; and

(G) any other indicator the Secretary or el-

gible entity may identify; and

(2) increasing diversity and decreasing racial or

socioeconomic isolation in covered schools.

SEC. 8. ANNUAL REPORTS.

An eligible entity that receives a grant under section

4 shall submit to the Secretary, at such time and in such

manner as the Secretary may require, an annual report

that includes—

(1) a description of the efforts of the eligible

entity to increase inclusivity;

(2) information on the progress of the eligible

entity with respect to the performance measures de-

scribed in section 7;

(3) the data supporting such progress;

(4) a description of how the eligible entity will

continue to make improvements toward increasing

diversity and decreasing racial or socioeconomic iso-

lation in covered schools and sustaining inclusion;

and

(5) information on the progress of regional pro-

grams on reducing racial and socioeconomic isolation

in covered schools, if applicable.
SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 2023 and each of the 5 succeeding fiscal years.

SEC. 10. DEFINITIONS.

In this Act:

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

(A) a publicly-funded early childhood education program;

(B) a public elementary school; or

(C) a public secondary school.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a State educational agency, a local educational agency, a consortium of such agencies, an educational service agency, or a regional educational agency that at the time of the application of such eligible entity has significant achievement gaps and socioeconomic or racial segregation within or between the school districts served by such entity.

(3) ESEA TERMS.—The terms “educational service agency”, “elementary school”, “local educational agency”, “secondary school”, “Secretary”, and “State educational agency” have the meanings given such terms in section 8101 of the Elementary

(4) Publicly-funded early childhood education program.—The term ‘’publicly-funded early childhood education program’’ means an early childhood education program (as defined in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8))) that receives State or Federal funds.

SEC. 11. PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.

No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system.

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