

Union Calendar No. 127

117TH CONGRESS
1ST SESSION

H. R. 729

[Report No. 117-176]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2021

Mr. SCOTT of Virginia (for himself, Mr. JONES, Ms. ADAMS, Ms. CLARKE of New York, Mr. BISHOP of Georgia, Mr. HORSFORD, Mrs. HAYES, Mr. EVANS, Mr. MORELLE, Ms. MENG, Ms. TLAIB, Mr. COOPER, Ms. VELÁZQUEZ, Mr. RYAN, Mr. PAYNE, Mrs. BUSTOS, Mr. DELGADO, Ms. LEE of California, Ms. BONAMICI, Mrs. WATSON COLEMAN, Mr. CARSON, Ms. SCHAKOWSKY, Mr. KILMER, Mr. RUSH, Mrs. BEATTY, Mr. FOSTER, Mr. BUTTERFIELD, Mr. SUOZZI, Mr. HASTINGS, Mr. LARSON of Connecticut, Mr. MCGOVERN, Ms. NORTON, Mr. GALLEGO, Ms. WILSON of Florida, Ms. DEGETTE, Mr. VELA, Ms. SÁNCHEZ, Mr. KILDEE, Ms. STEVENS, Ms. ROSS, Ms. WILD, Mr. LOWENTHAL, Mr. COURTNEY, Mr. LEVIN of Michigan, Mr. TORRES of New York, Mr. COHEN, Mr. SABLAN, Mrs. LURIA, Mr. SMITH of Washington, Mr. AUCHINCLOSS, Ms. OMAR, Ms. DEAN, Ms. CLARK of Massachusetts, Mr. PRICE of North Carolina, Ms. NEWMAN, Mr. DEFazio, and Ms. CRAIG) introduced the following bill; which was referred to the Committee on Education and Labor

NOVEMBER 23, 2021

Additional sponsors: Mr. MRVAN, Mr. DESAULNIER, Ms. MANNING, Ms. CHU, Ms. BOURDEAUX, Mr. POCAN, Mr. ESPAILLAT, Mrs. MCBATH, Mr. TAKANO, Mr. GRIJALVA, Mr. MFUME, Mr. CASTRO of Texas, Ms. JAYAPAL, Mr. BOWMAN, Ms. LEGER FERNANDEZ, Mr. YARMUTH, Mr. NORCROSS, Ms. STANSBURY, Ms. SHERRILL, Ms. BROWN of Ohio, Mr. DANNY K. DAVIS of Illinois, Mr. CARTER of Louisiana, Mrs. KIRKPATRICK, Mr. LAWSON of Florida, Mrs. LAWRENCE, Ms. BLUNT ROCHESTER, Ms. SEWELL, Ms. JACKSON LEE, Ms. MOORE of Wisconsin, Ms. SCANLON, Ms. PRESSLEY, Ms. UNDERWOOD, Mr. WELCH, Ms. GARCIA of Texas, Mr. TRONE, Mr. GREEN of Texas, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. MEEKS, Mr. VARGAS, Mr. SWALWELL, Mr. MOULTON, Ms. MATSUI, Mrs. DINGELL, Ms. WILLIAMS of Georgia,

Ms. JOHNSON of Texas, Mr. CUELLAR, Mr. RASKIN, Mr. CONNOLLY, Ms. DELAURO, Mr. THOMPSON of Mississippi, Mr. KRISHNAMOORTHY, Ms. LOFGREN, Ms. WASSERMAN SCHULTZ, Ms. KAPTUR, Mr. JEFFRIES, Mr. MCNERNEY, Mr. BROWN of Maryland, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. MCEACHIN, Mr. LIEU, Mr. KAHELE, Ms. DELBENE, Ms. KELLY of Illinois, Mrs. FLETCHER, Mr. SIRES, Mrs. NAPOLITANO, Ms. CASTOR of Florida, Mr. CASE, Mr. DAVID SCOTT of Georgia, Ms. ESCOBAR, Mr. SAN NICOLAS, Mr. ALLRED, Ms. STRICKLAND, Mr. VEASEY, Ms. OCASIO-CORTEZ, Mr. NEGUSE, Mr. DOGGETT, Mr. SOTO, Mr. CORREA, Mr. NADLER, Ms. PLASKETT, and Mr. VICENTE GONZALEZ of Texas

NOVEMBER 23, 2021

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 February 2, 2021]

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 2021”.*

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 AND STATE ACTIVI-**
13 **TIES.**

14 *(a) NATIONAL ACTIVITIES.—The Secretary may re-*
15 *serve not more than 5 percent of the amounts made avail-*
16 *able under section 9 for a fiscal year to carry out activities*
17 *of national significance relating to this Act, which may in-*
18 *clude—*

19 *(1) research, development, data collection, moni-*
20 *toring, technical assistance, evaluation, or dissemina-*
21 *tion activities; and*

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

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

6 **SEC. 4. GRANT PROGRAM AUTHORIZED.**

7 **(a) AUTHORIZATION.**—

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

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

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

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

21 **(C)** *both such planning grants and imple-*
22 *mentation grants.*

23 **(b) AWARD BASIS.**—

1 (1) *CRITERIA FOR EVALUATING APPLICATIONS.*—

2 *The Secretary shall award grants under this section*
3 *on a competitive basis, based on—*

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

6 (B) *the likelihood, as determined by the Sec-*
7 *retary, that the eligible entity will use the grant*
8 *to improve student outcomes or outcomes on*
9 *other performance measures described in section*
10 *7; and*

11 (C) *the likelihood that the grant will lead to*
12 *a meaningful reduction in racial and economic*
13 *isolation for children in covered schools.*

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

17 (A) *First, to an eligible entity that sub-*
18 *mitted an application for a grant under the*
19 *Opening Doors, Expanding Opportunities pro-*
20 *gram described in the notice published by the*
21 *Department of Education in the Federal Register*
22 *on December 14, 2016 (81 Fed. Reg. 90343 et*
23 *seq.).*

24 (B) *Second, to an eligible entity that pro-*
25 *poses, in an application submitted under section*

1 5, to use the grant to support a program that
2 addresses racial isolation.

3 (C) *Third, to an eligible entity that pro-*
4 *poses, in an application submitted under section*
5 *5, to use the grant to support a program that ex-*
6 *tends beyond one local educational agency, such*
7 *as an inter-district or regional program.*

8 (D) *Fourth, to an eligible entity that dem-*
9 *onstrates meaningful coordination with local*
10 *housing agencies to increase access to schools that*
11 *have a disproportionately low number of low-in-*
12 *come students.*

13 (c) *DURATION OF GRANTS.—*

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

17 (2) *IMPLEMENTATION GRANT.—An implementa-*
18 *tion grant awarded under this section shall be for a*
19 *period of not more than 3 years, except that the Sec-*
20 *retary may extend an implementation grant for an*
21 *additional 2-year period if the eligible entity receiv-*
22 *ing the grant demonstrates to the Secretary that the*
23 *eligible entity is making significant progress, as de-*
24 *termined by the Secretary, on the program perform-*
25 *ance measures described in section 7.*

1 **SEC. 5. APPLICATIONS.**

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

5 *Such application shall include—*

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

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

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

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

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

25 *(3) in the case of an eligible entity proposing to*
26 *use any portion of the grant to benefit high-poverty*

1 covered schools, a description of how the eligible entity
2 will identify and define income level and socio-
3 economic status;

4 (4) a description of the plan of the eligible entity
5 for continuing the program after the grant period
6 ends;

7 (5) a description of how the eligible entity will
8 assess, monitor, and evaluate the impact of the activi-
9 ties funded under the grant on student achievement
10 and student enrollment diversity, and teacher diver-
11 sity;

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

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

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

23 (C) public hearings or other open forums to
24 inform the development of any formal strategy to
25 increase diversity; and

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

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

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

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

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

21 (9) an assurance that, to the extent possible, the
22 eligible entity has considered the potential implica-
23 tions of the grant activities on the demographics and
24 student enrollment of nearby covered schools not in-
25 cluded in the activities of the grant;

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

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

10 (B) *test a promising strategy to increase di-*
11 *versity in covered schools;*

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

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

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

23 (B) *to assess the segregation impacts of new*
24 *school construction proposals and to prioritize*

1 *school construction funding that will foreseeably*
2 *increase racial and economic integration; and*

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

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

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

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

16 *(A) the educational outcomes and racial*
17 *and socioeconomic stratification of children at-*
18 *tending covered schools;*

19 *(B) an analysis of the location and capaci-*
20 *ty of program and school facilities and the ade-*
21 *quacy of local or regional transportation infra-*
22 *structure; and*

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

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

7 (3) *Developing options, including timelines and*
8 *cost estimates, for improving diversity in covered*
9 *schools, such as weighted lotteries, revised feeder pat-*
10 *terns, school boundary redesign, or regional coordina-*
11 *tion.*

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

15 (5) *Building the capacity to collect and analyze*
16 *data that provide information for transparency, con-*
17 *tinuous improvement, and evaluation.*

18 (6) *Developing an implementation plan to com-*
19 *ply with a court-ordered school desegregation plan.*

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

22 (8) *If applicable, developing an implementation*
23 *plan to replace entrance exams or other competitive*
24 *application procedures with methods of student as-*

1 *signment to promote racial and socioeconomic diver-*
2 *sity.*

3 *(b) IMPLEMENTATION GRANTS.—*

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

8 *(A) a comprehensive set of strategies de-*
9 *signed to improve academic outcomes for all stu-*
10 *dents, particularly students of color and low-in-*
11 *come students, by increasing diversity in covered*
12 *schools;*

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

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

21 *(D) collection and analysis of data to pro-*
22 *vide transparency and support continuous im-*
23 *provement throughout the grant period; and*

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

1 (2) *IMPLEMENTATION GRANT ACTIVITIES.*—*Each*
2 *eligible entity that receives an implementation grant*
3 *under section 4 may use the grant to carry out one*
4 *or more of the following activities:*

5 (A) *Recruiting, hiring, or training addi-*
6 *tional teachers, administrators, school counselors,*
7 *and other instructional and support staff in*
8 *new, expanded, or restructured covered schools,*
9 *or other professional development activities for*
10 *staff and administrators.*

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

14 (C) *Developing or initiating a transpor-*
15 *tation plan for bringing students to and from*
16 *covered schools, if such transportation is sustain-*
17 *able beyond the grant period and does not rep-*
18 *resent a significant portion of the grant received*
19 *by an eligible entity under section 4.*

20 (D) *Developing innovative and equitable*
21 *school assignment plans.*

22 (E) *Carrying out innovative activities de-*
23 *signed to increase racial and socioeconomic*
24 *school diversity and engagement between children*

1 *from different racial, economic, and cultural*
2 *backgrounds.*

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

12 *(G) Increasing teacher diversity in covered*
13 *schools.*

14 **SEC. 7. PERFORMANCE MEASURES.**

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

19 *(1) improving academic and other developmental*
20 *or noncognitive outcomes for each subgroup described*
21 *in section 1111(b)(2)(B)(xi) of the Elementary and*
22 *Secondary Education Act of 1965 (20 U.S.C.*
23 *6311(b)(2)(B)(xi)) that is served by the eligible entity*
24 *on measures, including, as applicable, by—*

25 *(A) increasing school readiness;*

1 (B) increasing student achievement and de-
2 creasing achievement gaps;

3 (C) increasing high school graduation rates;

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

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

8 (F) reducing school discipline rates; and

9 (G) any other indicator the Secretary or eli-
10 gible entity may identify; and

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

13 **SEC. 8. ANNUAL REPORTS.**

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

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

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

23 (3) the data supporting such progress;

24 (4) a description of how the eligible entity will
25 continue to make improvements toward increasing di-

1 *iversity and decreasing racial or socioeconomic isola-*
 2 *tion in covered schools and sustaining inclusion; 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. AUTHORIZATION OF APPROPRIATIONS.**

7 *There are authorized to be appropriated to carry out*
 8 *this Act such sums as may be necessary for fiscal year 2022*
 9 *and each of the 5 succeeding fiscal years.*

10 **SEC. 10. DEFINITIONS.**

11 *In this Act:*

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

14 *(A) a publicly-funded early childhood edu-*
 15 *cation program;*

16 *(B) a public elementary school; or*

17 *(C) a public secondary school.*

18 *(2) ELIGIBLE ENTITY.—The term “eligible enti-*
 19 *ty” means a State educational agency, a local edu-*
 20 *cational agency, a consortium of such agencies, an*
 21 *educational service agency, or a regional educational*
 22 *agency that at the time of the application of such eli-*
 23 *gible entity has significant achievement gaps and so-*
 24 *cioeconomic or racial segregation within or between*
 25 *the school districts served by such entity.*

1 (3) *ESEA TERMS.*—The terms “educational serv-
2 ice agency”, “elementary school”, “local educational
3 agency”, “secondary school”, “Secretary”, and “State
4 educational agency” have the meanings given such
5 terms in section 8101 of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 7801).

7 (4) *PUBLICLY-FUNDED EARLY CHILDHOOD EDU-*
8 *CATION PROGRAM.*—The term “publicly-funded early
9 childhood education program” means an early child-
10 hood education program (as defined in section 103(8)
11 of the Higher Education Act of 1965 (20 U.S.C.
12 1003(8)) that receives State or Federal funds.

13 **SEC. 11. PROHIBITION AGAINST FEDERAL CONTROL OF**
14 **EDUCATION.**

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

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