

118TH CONGRESS
1ST SESSION

H. R. 3444

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

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. SCOTT of Virginia (for himself, Ms. JAYAPAL, Mrs. BEATTY, Ms. WILLIAMS of Georgia, Ms. NORTON, Mrs. MCBATH, Ms. BONAMICI, Mr. SWALWELL, Ms. STEVENS, Ms. WILSON of Florida, Ms. DEAN of Pennsylvania, Mrs. NAPOLITANO, Mr. COHEN, Mr. DESAULNIER, Ms. CROCKETT, Mr. DOGGETT, Ms. GARCIA of Texas, Mr. LYNCH, Mr. SABLAN, Mr. GRIJALVA, Ms. VELÁZQUEZ, Ms. LEE of California, Ms. PRESSLEY, Ms. SCHAKOWSKY, Ms. OMAR, Ms. DELBENE, Mr. MEEKS, Ms. STANSBURY, Mr. EVANS, Ms. CASTOR of Florida, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Mr. NORCROSS, Mr. TAKANO, Mr. COURTNEY, Mr. IVEY, Mr. SCHIFF, Ms. LOIS FRANKEL of Florida, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 2023”.

1 **SEC. 2. PURPOSE.**

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

7 **SEC. 3. RESERVATION FOR NATIONAL AND STATE ACTIVI-**
8 **TIES.**

9 (a) NATIONAL ACTIVITIES.—The Secretary may re-
10 serve not more than 5 percent of the amounts made avail-
11 able under section 9 for a fiscal year to carry out activities
12 of national significance relating to this Act, which may
13 include—

14 (1) research, development, data collection, mon-
15 itoring, technical assistance, evaluation, or dissemi-
16 nation activities; and

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

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

25 **SEC. 4. GRANT PROGRAM AUTHORIZED.**

26 (a) AUTHORIZATION.—

1 (1) IN GENERAL.—From the amounts made
2 available under section 9 and not reserved under
3 section 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 APPLICA-
18 TIONS.—The Secretary shall award grants under
19 this section on a competitive basis, based on—

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

22 (B) the likelihood, as determined by the
23 Secretary, that the eligible entity will use the
24 grant to improve student outcomes or outcomes

1 on other performance measures described in
2 section 7; and

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

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

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

16 (B) Second, to an eligible entity that pro-
17 poses, in an application submitted under section
18 5, to use the grant to support a program that
19 addresses racial isolation.

20 (C) Third, to an eligible entity that pro-
21 poses, in an application submitted under section
22 5, to use the grant to support a program that
23 extends beyond one local educational agency,
24 such as an inter-district or regional program.

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

6 (c) DURATION OF GRANTS.—

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

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

19 **SEC. 5. APPLICATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and development of any formal strategy to in-
2 crease diversity;

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

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

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

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

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

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

24 (A) implement, replicate, or expand a
25 strategy based on a strong or moderate level of

1 evidence (as described in subclause (I) or (II)
2 of section 8101(21)(A)(i) of the Elementary
3 and Secondary Education Act of 1965 (20
4 U.S.C. 7801(21)(A)(i)); or

5 (B) test a promising strategy to increase
6 diversity in covered schools;

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

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

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

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

23 (C) to include progress toward reduction of
24 racial and economic isolation as a factor in its
25 State plan under section 1111 of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 6311).

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

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

8 (1) Completing a comprehensive assessment of,
9 with respect to the geographic area served by such
10 eligible entity—

11 (A) the educational outcomes and racial
12 and socioeconomic stratification of children at-
13 tending covered schools;

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

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

20 (2) Developing and implementing a robust fam-
21 ily, student, and community engagement plan, in-
22 cluding, where feasible, public hearings or other
23 open forums that would precede and inform the de-
24 velopment of a formal strategy to improve diversity
25 in covered schools.

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

6 (4) Developing an implementation plan based
7 on community preferences among the options devel-
8 oped under paragraph (3).

9 (5) Building the capacity to collect and analyze
10 data that provide information for transparency, con-
11 tinuous improvement, and evaluation.

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

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

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

21 (b) IMPLEMENTATION GRANTS.—

22 (1) IMPLEMENTATION GRANT PLAN.—Each eli-
23 gible entity that receives an implementation grant
24 under section 4 shall implement a high-quality plan

1 to support students in covered schools that in-
2 cludes—

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

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

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

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

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

21 (2) IMPLEMENTATION GRANT ACTIVITIES.—

22 Each eligible entity that receives an implementation
23 grant under section 4 may use the grant to carry
24 out one or more of the following activities:

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

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

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

16 (D) Developing innovative and equitable
17 school assignment plans.

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

23 (F) Creating or improving systems and
24 partnerships to create a one-stop enrollment
25 process for students with multiple public school

1 options, including making school information
2 and data more accessible and easy to under-
3 stand, in order to ensure access to low poverty
4 or high-performing schools for low-income chil-
5 dren and to promote racial and socioeconomic
6 diversity.

7 (G) Increasing teacher diversity in covered
8 schools.

9 **SEC. 7. PERFORMANCE MEASURES.**

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

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

21 (A) increasing school readiness;

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

24 (C) increasing high school graduation
25 rates;

1 (D) increasing readiness for postsecondary
2 education and careers;

3 (E) improving access to mental health and
4 social-emotional learning;

5 (F) reducing school discipline rates; and

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

8 (2) increasing diversity and decreasing racial or
9 socioeconomic isolation in covered schools.

10 **SEC. 8. ANNUAL REPORTS.**

11 An eligible entity that receives a grant under section
12 4 shall submit to the Secretary, at such time and in such
13 manner as the Secretary may require, an annual report
14 that includes—

15 (1) a description of the efforts of the eligible
16 entity to increase inclusivity;

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

20 (3) the data supporting such progress;

21 (4) a description of how the eligible entity will
22 continue to make improvements toward increasing
23 diversity and decreasing racial or socioeconomic iso-
24 lation in covered schools and sustaining inclusion;
25 and

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

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to carry out
6 this Act such sums as may be necessary for fiscal year
7 2024 and each of the 5 succeeding fiscal years.

8 **SEC. 10. DEFINITIONS.**

9 In this Act:

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

12 (A) a publicly-funded early childhood edu-
13 cation program;

14 (B) a public elementary school; or

15 (C) a public secondary school.

16 (2) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means a State educational agency, a local edu-
18 cational agency, a consortium of such agencies, an
19 educational service agency, or a regional educational
20 agency that at the time of the application of such el-
21 igible entity has significant achievement gaps and
22 socioeconomic or racial segregation within or be-
23 tween the school districts served by such entity.

24 (3) ESEA TERMS.—The terms “educational
25 service agency”, “elementary school”, “local edu-

1 cational agency”, “secondary school”, “Secretary”,
2 and “State educational agency” have the meanings
3 given such terms in section 8101 of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C.
5 7801).

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

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

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

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