

118TH CONGRESS  
1ST SESSION

# S. 1661

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

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IN THE SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. MURPHY (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Mr. CARDIN, Ms. DUCKWORTH, Mr. PADILLA, Mr. SANDERS, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to support the develop-  
8 ment, implementation, and evaluation of comprehensive  
9 strategies to address the effects of racial isolation or con-

1 centered poverty by increasing diversity, including racial  
2 diversity and socioeconomic diversity, in covered schools.

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

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

10 (1) research, development, data collection, mon-  
11 itoring, technical assistance, evaluation, or dissemi-  
12 nation activities; and

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

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

21 **SEC. 4. GRANT PROGRAM AUTHORIZED.**

22 (a) AUTHORIZATION.—

23 (1) IN GENERAL.—From the amounts made  
24 available under section 9 and not reserved under  
25 section 3 for a fiscal year, the Secretary shall award

1 grants in accordance with subsection (b) to eligible  
2 entities to develop or implement plans to improve di-  
3 versity and reduce or eliminate racial or socio-  
4 economic isolation in covered schools.

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

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

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

11 (C) both such planning grants and imple-  
12 mentation grants.

13 (b) AWARD BASIS.—

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

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

19 (B) the likelihood, as determined by the  
20 Secretary, that the eligible entity will use the  
21 grant to improve student outcomes or outcomes  
22 on other performance measures described in  
23 section 7; and

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

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

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

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

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

23 (D) Fourth, to an eligible entity that dem-  
24 onstrates meaningful coordination with local  
25 housing agencies to increase access to schools

1           that have a disproportionately low number of  
2           low-income students.

3           (c) DURATION OF GRANTS.—

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

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

16 **SEC. 5. APPLICATIONS.**

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

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

23                       (A) how the eligible entity proposes to use  
24                       the grant to improve the academic and life out-  
25                       comes of students in racial or socioeconomic

1 isolation in covered schools by supporting inter-  
2 ventions that increase diversity for students in  
3 such covered schools;

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

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

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

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

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

23 (5) a description of how the eligible entity will  
24 assess, monitor, and evaluate the impact of the ac-  
25 tivities funded under the grant on student achieve-

1       ment and student enrollment diversity, and teacher  
2       diversity;

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

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

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

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

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

24           (7) an estimate of the number of students that  
25      the eligible entity plans to serve under the program

1 and the number of students to be served through ad-  
2 ditional expansion of the program after the grant  
3 period ends;

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

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

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

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

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

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



1           (B) test a promising strategy to increase  
2           diversity in covered schools;

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

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

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

14           (B) to assess the segregation impacts of  
15           new school construction proposals and to  
16           prioritize school construction funding that will  
17           foreseeably increase racial and economic inte-  
18           gration; and

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

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

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

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

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

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

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

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

24 (3) Developing options, including timelines and  
25 cost estimates, for improving diversity in covered  
26 schools, such as weighted lotteries, revised feeder

1 patterns, school boundary redesign, or regional co-  
2 ordination.

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

6 (5) Building the capacity to collect and analyze  
7 data that provide information for transparency, con-  
8 tinuous improvement, and evaluation.

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

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

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

18 (b) IMPLEMENTATION GRANTS.—

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

24 (A) a comprehensive set of strategies de-  
25 signed to improve academic outcomes for all

1 students, particularly students of color and low-  
2 income students, by increasing diversity in cov-  
3 ered schools;

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

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

12 (D) collection and analysis of data to pro-  
13 vide transparency and support continuous im-  
14 provement throughout the grant period; and

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

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

21 (A) Recruiting, hiring, or training addi-  
22 tional teachers, administrators, school coun-  
23 selors, and other instructional and support staff  
24 in new, expanded, or restructured covered

1 schools, or other professional development ac-  
2 tivities for staff and administrators.

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

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

12 (D) Developing innovative and equitable  
13 school assignment plans.

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

19 (F) Creating or improving systems and  
20 partnerships to create a one-stop enrollment  
21 process for students with multiple public school  
22 options, including making school information  
23 and data more accessible and easy to under-  
24 stand, in order to ensure access to low-poverty  
25 or high-performing schools for low-income chil-

1           dren and to promote racial and socioeconomic  
2           diversity.

3                   (G) Increasing teacher diversity in covered  
4           schools.

5 **SEC. 7. PERFORMANCE MEASURES.**

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

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

17                           (A) increasing school readiness;

18                           (B) increasing student achievement and  
19           decreasing achievement gaps;

20                           (C) increasing high school graduation  
21           rates;

22                           (D) increasing readiness for postsecondary  
23           education and careers;

24                           (E) improving access to mental health and  
25           social-emotional learning;

- 1 (F) reducing school discipline rates; and  
2 (G) any other indicator the Secretary or el-  
3 igible entity may identify; and  
4 (2) increasing diversity and decreasing racial or  
5 socioeconomic isolation in covered schools.

6 **SEC. 8. ANNUAL REPORTS.**

7 An eligible entity that receives a grant under section  
8 4 shall submit to the Secretary, at such time and in such  
9 manner as the Secretary may require, an annual report  
10 that includes—

- 11 (1) a description of the efforts of the eligible  
12 entity to increase inclusivity;  
13 (2) information on the progress of the eligible  
14 entity with respect to the performance measures de-  
15 scribed in section 7;  
16 (3) the data supporting such progress;  
17 (4) a description of how the eligible entity will  
18 continue to make improvements toward increasing  
19 diversity and decreasing racial or socioeconomic iso-  
20 lation in covered schools and sustaining inclusion;  
21 and  
22 (5) information on the progress of regional pro-  
23 grams on reducing racial and socioeconomic isolation  
24 in covered schools, if applicable.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this Act such sums as may be necessary for fiscal year  
4 2024 and each of the 5 succeeding fiscal years.

5 **SEC. 10. DEFINITIONS.**

6       In this Act:

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

9                   (A) a publicly-funded early childhood edu-  
10 cation program;

11                   (B) a public elementary school; or

12                   (C) a public secondary school.

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

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



1 and Secondary Education Act of 1965 (20 U.S.C.  
2 7801).

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

10 **SEC. 11. PROHIBITION AGAINST FEDERAL CONTROL OF**  
11 **EDUCATION.**

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

○