

115TH CONGRESS
2D SESSION

S. 3413

To amend the Elementary and Secondary Education Act of 1965 to establish the Strength in Diversity Program.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2018

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

A BILL

To amend the Elementary and Secondary Education Act of 1965 to establish the Strength in Diversity Program.

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”.

6 **SEC. 2. STRONGER TOGETHER PROGRAM.**

7 (a) IN GENERAL.—Title IV of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C. 7101 et
9 seq.) is amended—

10 (1) by redesignating part F as part G; and

1 (2) by inserting after part E the following:

2 **“PART F—STRENGTH IN DIVERSITY PROGRAM**

3 **“SEC. 4551. FINDINGS AND STATEMENT OF PURPOSE.**

4 “(a) FINDINGS.—Congress finds the following:

5 “(1) Students from low-income families are 6
6 times more likely to attend high-poverty schools than
7 their more affluent peers.

8 “(2) Racial diversity in schools results in long-
9 term social and academic benefits, including reduced
10 neighborhood, college, and workplace segregation,
11 higher levels of social cohesion, a reduced likelihood
12 of racial prejudice, and the development of skills to
13 navigate and find comfort in racially diverse set-
14 tings.

15 “(3) Students from low-income families who at-
16 tend more affluent elementary schools are more like-
17 ly to perform better academically than similar stu-
18 dents who attend high-poverty schools.

19 “(4) Students who attend the most affluent
20 schools are nearly 70 percent more likely to attend
21 college than students who attend the highest-poverty
22 schools, regardless of their socioeconomic back-
23 ground.

24 “(5) Students who attend racially and
25 socioeconomically isolated schools have less access to

1 experienced and qualified teachers, advanced
2 coursework, high-quality instructional materials, and
3 adequate facilities.

4 “(6) According to the Government Account-
5 ability Office, as of the 2013–14 school year, 16 per-
6 cent of our Nation’s public elementary schools and
7 secondary schools served student populations com-
8 prised of 75 percent or more Black and Hispanic
9 students and 75 percent or more students eligible
10 for free or reduced-price lunch under the Richard B.
11 Russell National School Lunch Act (42 U.S.C. 1751
12 et seq.), an increase of more than 9 percent com-
13 pared to the percentage of such elementary and sec-
14 ondary schools in the 2000–2001 school year. More
15 than 7,700,000 Black students and 12,300,000 His-
16 panic students attend racially and socioeconomically
17 isolated public elementary schools and secondary
18 schools.

19 “(b) PURPOSE.—The purpose of this part is to sup-
20 port the development, implementation, and evaluation of
21 comprehensive strategies to address the effects of con-
22 centrated poverty or racial isolation by increasing diver-
23 sity, including socioeconomic diversity or racial diversity,
24 in publicly funded early childhood education programs and
25 public elementary schools and secondary schools.

1 **“SEC. 4552. RESERVATION FOR NATIONAL ACTIVITIES.**

2 “The Secretary may reserve not more than 5 percent
3 of the amounts made available under section 4558 for a
4 fiscal year to carry out activities of national significance
5 relating to this part, which may include—

6 “(1) research, development, data collection,
7 monitoring, technical assistance, evaluation, or dis-
8 semination activities; or

9 “(2) the development and maintenance of a
10 community of practice for recipients of grants under
11 this part and other experts in the field of school di-
12 versity.

13 **“SEC. 4553. PROGRAM AUTHORIZED; LENGTH OF GRANTS.**

14 “(a) PROGRAM AUTHORIZATION.—

15 “(1) IN GENERAL.—From the amounts made
16 available under section 4558 and not reserved under
17 section 4552 for a fiscal year, the Secretary shall
18 award grants, on a competitive basis in accordance
19 with section 4554(b), to eligible entities described in
20 subsection (b) to enable the eligible entities to de-
21 velop or implement ambitious plans to improve di-
22 versity and reduce or eliminate socioeconomic or ra-
23 cial isolation in publicly funded early childhood edu-
24 cation programs and public elementary schools and
25 secondary schools.

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

3 “(A) planning grants;

4 “(B) implementation grants; or

5 “(C) planning grants and implementation
6 grants.

7 “(b) ELIGIBLE ENTITY.—An entity that is eligible
8 for a grant under subsection (a) is a local educational
9 agency, a consortium of such agencies, an educational
10 service agency, or another regional educational authority,
11 that has significant achievement gaps and socioeconomic
12 or racial segregation within or across the school districts
13 served by the entity.

14 “(c) DURATION OF GRANTS.—

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

18 “(2) IMPLEMENTATION GRANT.—An implemen-
19 tation grant awarded under this part shall be for a
20 period of not more than 3 years, except that the
21 Secretary may extend an implementation grant for
22 an additional 2-year period if the eligible entity re-
23 ceiving the grant demonstrates to the Secretary that
24 the eligible entity is making significant progress on

1 the program performance measures identified in sec-
2 tion 4556.

3 **“SEC. 4554. APPLICATIONS; AWARD BASIS.**

4 “(a) APPLICATIONS.—An eligible entity described in
5 section 4553(b) that desires to receive a grant under this
6 part shall submit an application to the Secretary at such
7 time, in such manner, and containing such information as
8 the Secretary may prescribe, including—

9 “(1) a description of the project for which the
10 eligible entity is seeking a grant, including—

11 “(A) how the eligible entity proposes to use
12 funds under this part to improve the academic
13 and life outcomes of students in high-poverty or
14 racially isolated publicly funded early childhood
15 education programs or public elementary
16 schools and secondary schools by supporting
17 interventions that increase diversity in such
18 programs and schools;

19 “(B) in the case of an implementation
20 grant, the implementation grant plan described
21 in section 4555(b)(1); and

22 “(C) any available evidence, or if such evi-
23 dence is not available, a rationale based on cur-
24 rent research, regarding how the proposed
25 project will increase diversity;

1 “(2)(A) in the case of an eligible entity pro-
2 posing to use any portion of funds under this part
3 to benefit high-poverty publicly funded early child-
4 hood education programs or public schools, a de-
5 scription of how the eligible entity will identify and
6 define income level and socioeconomic status;

7 “(B) in the case of an eligible entity proposing
8 to use any funds under this part to benefit publicly
9 funded early childhood education programs, or pub-
10 lic schools, that are racially isolated, a description of
11 how the eligible entity will identify and define racial
12 isolation;

13 “(3) a description of the plan of the eligible en-
14 tity for continuing the proposed project after fund-
15 ing under this part ends;

16 “(4) a description of how the eligible entity will
17 assess, monitor, and evaluate the impact of the ac-
18 tivities funded under this part on student achieve-
19 ment and student enrollment diversity;

20 “(5) an assurance that the eligible entity has
21 conducted, or will conduct, robust parent and com-
22 munity engagement, and where appropriate, tribal
23 consultation, while planning for and implementing a
24 program under this part, such as through—

1 “(A) public hearings or other open forums
2 to inform the development of any formal strat-
3 egy to increase diversity; and

4 “(B) outreach, in a language that parents
5 can understand, and consultation with families
6 in the targeted district or region that is de-
7 signed to ensure participation in the planning
8 and development of any formal strategy to in-
9 crease diversity;

10 “(6) an estimate of the number of students that
11 the eligible entity plans to serve under the proposed
12 project and the number of students to be served
13 through additional expansion of the project after the
14 grant ends;

15 “(7) an assurance that the eligible entity will—

16 “(A) cooperate with the evaluation process,
17 including any evaluation that might require
18 data and information from multiple recipients
19 of grants under this part; and

20 “(B) participate in communities of practice
21 with other recipients of grants under this part;

22 “(8) an assurance that, to the extent prac-
23 ticable, the eligible entity has developed the plan in
24 consultation with other relevant entities, including
25 local housing or transportation authorities;

1 “(9) an assurance that, to the extent possible,
 2 the eligible entity has considered the potential impli-
 3 cations of the grant activities on the demographics
 4 and student enrollment of nearby publicly funded
 5 early childhood education programs, public elemen-
 6 tary schools or secondary schools, or local edu-
 7 cational agencies not included in the activities of the
 8 grant; and

9 “(10) in the case of an eligible entity applying
 10 for an implementation grant, a description of how
 11 the eligible entity will implement, replicate, or take
 12 to scale a strategy based on a strong or moderate
 13 level of evidence, as determined under subclause (I)
 14 or (II) of section 8101(21)(A)(i), or will test a
 15 promising strategy to increase diversity in publicly
 16 funded early childhood education programs or public
 17 elementary schools and secondary schools.

18 “(b) AWARD BASIS.—

19 “(1) CRITERIA FOR EVALUATING APPLICA-
 20 TIONS.—The Secretary shall award grants under
 21 this part on a competitive basis, based on the quality
 22 of the applications submitted by eligible entities de-
 23 scribed in section 4553(b) and each eligible entity’s
 24 likelihood of achieving success in improving student

1 outcomes or outcomes on other performance meas-
 2 ures under section 4556.

3 “(2) PRIORITY.—In awarding grants under this
 4 part, the Secretary may give priority to an eligible
 5 entity that proposes, in application submitted under
 6 subsection (a), to use funds under this part to sup-
 7 port a program that extends beyond one local edu-
 8 cational agency, such as an inter-district or regional
 9 program.

10 **“SEC. 4555. USES OF FUNDS.**

11 “(a) PLANNING GRANTS.—Each eligible entity that
 12 receives a planning grant under this part shall use the
 13 grant funds to carry out the following required activities:

14 “(1) Completing a comprehensive assessment of
 15 the educational outcomes and socioeconomic and ra-
 16 cial stratification of children attending publicly fund-
 17 ed early childhood education programs, and public
 18 elementary school and secondary school students,
 19 within the area and an analysis of the location and
 20 capacity of program and school facilities and the
 21 adequacy of local or regional transportation infra-
 22 structure in the area.

23 “(2) Developing and implementing a robust
 24 family and community engagement plan, including,
 25 where feasible, public hearings or other open forums

1 that would precede and inform the development of a
 2 formal strategy to improve diversity.

3 “(3) Developing options, including timelines
 4 and cost estimates, for improving diversity, such as
 5 weighted lotteries, revised feeder patterns, school
 6 boundary redesign, or regional coordination.

7 “(4) Developing an implementation plan based
 8 on community preferences among those options.

9 “(5) Building the capacity to collect and ana-
 10 lyze data that provide information for transparency,
 11 continuous improvement, and evaluation.

12 “(6) Participating in a community of practice
 13 with other grantees, including those receiving imple-
 14 mentation grants.

15 “(b) IMPLEMENTATION GRANTS.—

16 “(1) IMPLEMENTATION GRANT PLAN.—Each el-
 17 igible entity that receives an implementation grant
 18 under this part shall implement a high-quality plan
 19 that includes—

20 “(A) a comprehensive set of strategies de-
 21 signed to improve academic outcomes for all
 22 students, particularly low-income students and
 23 minority students, by increasing diversity in
 24 publicly funded early childhood education pro-

1 grams and public elementary schools and sec-
2 ondary schools;

3 “(B) evidence of strong family and com-
4 munity support for these strategies, including
5 evidence that the eligible entity has engaged in
6 meaningful family and community outreach ac-
7 tivities;

8 “(C) ambitious but achievable goals to in-
9 crease diversity over the course of the grant pe-
10 riod;

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

14 “(E) a rigorous evaluation of the effective-
15 ness of the proposed project.

16 “(2) IMPLEMENTATION GRANTS ACTIVITIES.—
17 Each eligible entity that receives an implementation
18 grant under this part may use the grant funds to
19 carry out one or more of the following activities:

20 “(A) Recruiting, hiring, or training addi-
21 tional teachers, administrators, and other in-
22 structional and support staff in new, expanded,
23 or restructured publicly funded early childhood
24 education programs or public elementary
25 schools or secondary schools, or other profes-

1 sional development activities for staff and ad-
 2 ministrators.

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

6 “(C) Pursue or initiate a transportation
 7 plan for bringing students to and from publicly
 8 funded early childhood education programs and
 9 public elementary schools and secondary
 10 schools, if such transportation is sustainable be-
 11 yond the grant period and does not represent a
 12 significant portion of the grant funds received
 13 by an eligible entity under this part.

14 “(c) RULE REGARDING USE.—Nothing in this sec-
 15 tion shall be construed to authorize an eligible entity to
 16 carry out activities authorized under this section in a man-
 17 ner that violates Federal law.

18 **“SEC. 4556. PERFORMANCE MEASURES.**

19 “The Secretary shall establish performance measures
 20 for the programs and activities carried out through a
 21 grant under this part. These measures, at a minimum,
 22 shall track the progress of each eligible entity in—

23 “(1) improving academic and other develop-
 24 mental or noncognitive outcomes for each subgroup
 25 described in section 1111(b)(2)(B)(xi) that is served

1 by the eligible entity on measures, including, as ap-
2 plicable, by—

3 “(A) increasing school readiness;

4 “(B) increasing student achievement and
5 decreasing achievement gaps;

6 “(C) increasing high school graduation
7 rates;

8 “(D) increasing readiness for postsec-
9 ondary education and careers; and

10 “(E) any other indicator the Secretary or
11 eligible entity may identify; and

12 “(2) increasing diversity and decreasing socio-
13 economic or racial isolation in publicly funded early
14 childhood education programs, and public elemen-
15 tary schools and secondary schools, served under
16 this part.

17 **“SEC. 4557. ANNUAL REPORTS.**

18 “An eligible entity that receives a grant under this
19 part shall submit to the Secretary, at such time and in
20 such manner as the Secretary may require, an annual re-
21 port that includes—

22 “(1) information on the progress of the eligible
23 entity on the performance measures established
24 under section 4556; and

25 “(2) the data supporting that progress.

1 **“SEC. 4558. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$120,000,000 for fiscal year 2019 and such sums
4 as may be necessary for each of the 5 succeeding fiscal
5 years.”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 the Elementary and Secondary Education Act of 1965 is
8 amended by inserting after the item relating to section
9 4506 the following:

“PART F—STRENGTH IN DIVERSITY PROGRAM

- “Sec. 4551. Findings and statement of purpose.
- “Sec. 4552. Reservation for national activities.
- “Sec. 4553. Program authorized; length of grants.
- “Sec. 4554. Applications; award basis.
- “Sec. 4555. Uses of funds.
- “Sec. 4556. Performance measures.
- “Sec. 4557. Annual reports.
- “Sec. 4558. Authorization of appropriations.”.

