

117TH CONGRESS
1ST SESSION

S. 729

To establish an Educational Equity Challenge Grant program administered
by the Department of Education.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2021

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

A BILL

To establish an Educational Equity Challenge Grant program
administered by the Department of Education.

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 “Educational Equity
5 Challenge Grant Act of 2021”.

6 **SEC. 2. EDUCATIONAL EQUITY CHALLENGE GRANT PRO-**
7 **GRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) EDUCATIONAL SERVICE AGENCY.—The
10 term “educational service agency” has the meaning

given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term “eligible entity”—

(A) means—

(i) a local educational agency;

(ii) a consortium of local educational agencies;

(iii) a State educational agency;

(iv) an educational service agency;

(v) a partnership between a nonprofit organization, including a provider of early childhood education, an institution of higher education, a community-based organization, or a national intermediary, and 1 or more local educational agencies; or

(vi) the Bureau of Indian Education;

and

(B) shall not include any for-profit entity.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

1 (4) LOCAL EDUCATIONAL AGENCY.—The term
 2 “local educational agency” has the meaning given
 3 the term in section 8101 of the Elementary and Sec-
 4 ondary Education Act of 1965 (20 U.S.C. 7801).

5 (5) SECRETARY.—The term “Secretary” means
 6 the Secretary of Education.

7 (6) STATE EDUCATIONAL AGENCY.—The term
 8 “State educational agency” has the meaning given
 9 the term in section 8101 of the Elementary and Sec-
 10 ondary Education Act of 1965 (20 U.S.C. 7801).

11 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
 12 shall establish an Educational Equity Challenge Grant
 13 program through which the Secretary awards grants to
 14 eligible entities to—

15 (1) adopt and implement evidence-based activi-
 16 ties, strategies, and interventions to address aca-
 17 demic, social-emotional, mental, behavioral, and
 18 physical health needs associated with the COVID–19
 19 pandemic that meet the standard of evidence de-
 20 scribed in section 8101(21)(A)(i) of the Elementary
 21 and Secondary Education Act of 1965 (20 U.S.C.
 22 7801(21)(A)(i)); or

23 (2) design or replicate and implement field- and
 24 educator-initiated proposals to address academic, so-
 25 cial-emotional, mental, behavioral, and physical

1 health needs associated with the COVID–19 pan-
2 demic that—

3 (A) are independently evaluated by the
4 grantee for efficacy; and

5 (B) meet the standard of evidence de-
6 scribed in section 8101(21)(A)(i) of the Ele-
7 mentary and Secondary Education Act of 1965
8 (20 U.S.C. 7801(21)(A)(i)).

9 (c) ALLOCATION OF FUNDS.—

10 (1) ADMINISTRATIVE EXPENSES.—The Sec-
11 retary may use not more than 5 percent of funds
12 available to carry out this section for administration
13 of the Educational Equity Challenge Grant program,
14 including technical assistance, collaboration with
15 other relevant agencies, and dissemination of best
16 practices.

17 (2) RESERVATION FOR TRIBES.—From
18 amounts appropriated to carry out this section for a
19 fiscal year and not used under paragraph (1), the
20 Secretary shall reserve 5 percent to award grants to
21 the outlying areas and the Bureau of Indian Edu-
22 cation to carry out activities described in this section
23 in schools operated or funded by the Bureau of In-
24 dian Education.

1 (3) EVIDENCE-BASED AND FIELD-INITIATED
 2 PROPOSALS.—From the funds remaining after car-
 3 rying out paragraphs (1) and (2), in awarding
 4 grants under this section, the Secretary shall ensure
 5 that—

6 (A) 75 percent of the grant funds are
 7 awarded to evidence-based proposals, as de-
 8 scribed in subsection (b)(1); and

9 (B) 25 percent of the grant funds are
 10 awarded to field- and educator-initiated pro-
 11 posals, as described in subsection (b)(2).

12 (4) RURAL AREAS.—

13 (A) IN GENERAL.—From the funds re-
 14 maining after carrying out paragraphs (1) and
 15 (2), in awarding grants under this section, the
 16 Secretary shall ensure that not less than 25
 17 percent of the grant funds are awarded to eligi-
 18 ble entities—

19 (i) that have a locale code of 32, 33,
 20 41, 42, or 43, as determined by the Sec-
 21 retary; or

22 (ii) for which a majority of the schools
 23 to be served by the program funded by the
 24 grant awarded under this section to such
 25 an eligible entity are designated with a lo-

1 cale code of 32, 33, 41, 42, or 43, or a
2 combination of such codes, as determined
3 by the Secretary.

4 (B) EXCEPTION.—Notwithstanding sub-
5 paragraph (A), the Secretary shall reduce the
6 amount of funds made available under such
7 subparagraph if the Secretary does not receive
8 a sufficient number of applications of sufficient
9 quality.

10 (5) LOW-INCOME STUDENTS.—

11 (A) IN GENERAL.—From the funds re-
12 maining after carrying out paragraphs (1) and
13 (2), in awarding grants under this section, the
14 Secretary shall ensure that not less than 50
15 percent of the grant funds are awarded to eligi-
16 ble entities that serve student populations in
17 which 20 percent or more of school-age children
18 live in low-income families, according to the
19 most recent Small Area Income and Poverty
20 Estimates of the Bureau of the Census.

21 (B) EXCEPTION.—Notwithstanding sub-
22 paragraph (A), the Secretary shall reduce the
23 amount of funds made available under such
24 subparagraph if the Secretary does not receive

1 a sufficient number of applications of sufficient
2 quality.

3 (6) RURAL AND LOW-INCOME STUDENTS.—An
4 eligible entity that is described in paragraph (4)(A)
5 and also described in paragraph (5)(A) may count
6 as an eligible entity under both paragraphs for pur-
7 poses of the requirements under such paragraphs.

8 (d) PUBLICATION OF APPLICATION.—Not later than
9 60 days after the date of enactment of this Act, the Sec-
10 retary shall—

11 (1) publish the applications for grants under
12 this section; and

13 (2) post on the public website of the Depart-
14 ment of Education resources regarding identified
15 evidence-based activities, strategies, and interven-
16 tions.

17 (e) APPLICATIONS.—An eligible entity that desires to
18 receive a grant under this section shall submit an applica-
19 tion to the Secretary at such time, in such manner, and
20 accompanied by such information as the Secretary may
21 require, including the following:

22 (1) Identification by the eligible entity of the in-
23 equities experienced by students during the COVID-
24 19 pandemic, including the impact on academic
25 progress and social-emotional, mental, behavioral,

1 and physical health needs, identified through trauma-informed academic, social-emotional, and health
2 needs assessments or assessments used in multi-tiered systems of support. Where possible, applicants
3 shall utilize existing assessments and validated tools,
4 such as surveys, to avoid duplicative or excessive
5 student testing.
6

7 (2) The differential impact of the COVID–19
8 pandemic on increased academic, social-emotional,
9 mental, and physical health needs for specific groups
10 of students, including low-income students, students
11 of color and Native American students, homeless
12 students, migrant students, students in foster care,
13 English learners, students involved with the juvenile
14 justice system, and students with disabilities, and
15 other specific groups identified in section
16 1111(b)(2)(B)(xi) of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C.
18 6311(b)(2)(B)(xi)), in a manner that protects personally identifiable information.
19
20

21 (3) The evidence-based strategies the eligible
22 entity will use to address these inequities if applying
23 for a grant described in subsection (b)(1).

24 (4) How academic, social-emotional, mental, behavioral, and physical health, access to accelerated
25

1 student learning and mastery of content, and related
2 outcomes will be measured, including how the eligi-
3 ble entity will use existing assessments and validated
4 tools, such as surveys, to avoid duplicative or exces-
5 sive student testing.

6 (5) How the eligible entity will partner and seek
7 ongoing feedback with the parents, families, teach-
8 ers, paraprofessionals, local stakeholders, and com-
9 munity members, including those from marginalized
10 communities, to identify academic, social-emotional,
11 mental, behavioral, and physical health needs of stu-
12 dents and collaborate on provision of high-quality
13 services where appropriate.

14 (6) How the proposed strategies and interven-
15 tions will accelerate student learning, promote mas-
16 tery of content, and expand student access to and
17 opportunity for well-rounded, culturally and linguis-
18 tically responsive, and rigorous standards-aligned
19 curricula.

20 (7) Identification by the eligible entity of the
21 mental and physical health impacts on school staff
22 during the COVID–19 pandemic.

23 (8) A proposed detailed budget, including how
24 the applicant plans to distribute funds among

1 schools and groups of students identified as highest
2 need.

3 (9) For eligible entities that intend to carry out
4 field- and educator-initiated proposals described in
5 subsection (b)(2), a proposal for conducting an inde-
6 pendent evaluation of the effectiveness of the pro-
7 posal.

8 (f) PRIORITY.—In awarding grants under this sec-
9 tion, the Secretary shall give priority to applicants serving
10 disproportionately higher percentages of high-need stu-
11 dents, including low-income students, students of color
12 and Native American students, homeless students, mi-
13 grant students, students in foster care, English learners,
14 students involved with the juvenile justice system, stu-
15 dents with disabilities, and students that have been dis-
16 proportionately affected by COVID–19.

17 (g) USES OF FUNDS.—An eligible entity that receives
18 a grant under this section shall carry out 1 of the fol-
19 lowing:

20 (1) Implementation of evidence-based activities,
21 strategies, and interventions that meet the require-
22 ments described in section 8101(21)(A)(i) of the El-
23 elementary and Secondary Education Act of 1965 (20
24 U.S.C. 7801(21)(A)(i)), which shall include at least
25 1 of the following:

1 (A) Developing, administering, and using
2 high-quality, universally designed assessments
3 that are valid and reliable, to accurately assess
4 students' academic needs and progress and as-
5 sist educators in meeting students' academic
6 needs, including through differentiating instruc-
7 tion, progress monitoring, and providing profes-
8 sional development on how to develop univer-
9 sally designed, high-quality assessments that
10 are aligned with curricula or how to effectively
11 implement and use existing high-quality assess-
12 ments for these purposes.

13 (B) Supporting social and emotional learn-
14 ing, including through integrated systems of
15 support, counseling, and the explicit teaching of
16 cognitive, social, and emotional skills and com-
17 petencies, by building social and emotional in-
18 struction into all classes, and which may in-
19 clude instituting restorative practices.

20 (C) Implementing school- and district-wide
21 practices that support students holistically, in-
22 cluding mental health services, early interven-
23 tion and prevention practices, trauma-informed
24 practices, and efforts to improve family engage-
25 ment and staff well-being.

1 (D) Implementing culturally and linguis-
2 tically responsive practices.

3 (E) Extending instructional time, which
4 may include—

5 (i) before or after school programs
6 and extending the school day or year, in-
7 cluding through summer learning pro-
8 grams; or

9 (ii) high-quality distance instruction,
10 during non-traditional school days and
11 hours (including during the summer), in-
12 cluding providing professional development
13 to support effective, personalized instruc-
14 tion.

15 (F) Implementing high-quality structured
16 individual or small group tutoring.

17 (G) Implementing and providing profes-
18 sional development on the use of rigorous, cul-
19 turally and linguistically competent, universally
20 designed, and well-rounded curriculum.

21 (H) Recruiting and supporting racially,
22 ethnically, culturally, and linguistically diverse,
23 well-prepared educators, including those with
24 disabilities, through comprehensive State-ac-
25 credited teacher preparation programs.

1 (I) Implementing programs that promote
 2 school racial and socioeconomic integration and
 3 diversity and effective inclusion of students with
 4 disabilities.

5 (2) Design or replication and implementation of
 6 field- and educator-initiated proposals—

7 (A) that meet the standard of evidence de-
 8 scribed in section 8101(21)(A)(ii) of the Ele-
 9 mentary and Secondary Education Act of 1965
 10 (20 U.S.C. 7801(21)(A)(ii));

11 (B) that demonstrate a promising ap-
 12 proach;

13 (C) that include family and educator input
 14 into their design and implementation; and

15 (D) that include activities, strategies, or
 16 interventions that are independently evaluated
 17 and published by the grantee for efficacy.

18 (h) RULE OF CONSTRUCTION FOR COLLECTIVE BAR-
 19 GAINING.—Nothing in this section shall be construed to
 20 alter or otherwise affect the rights, remedies, and proce-
 21 dures afforded to school or local educational agency em-
 22 ployees under Federal, State, or local laws (including ap-
 23 plicable regulations or court orders) or under the terms
 24 of collective bargaining agreements, memoranda of under-

1 standing, or other agreements between such employers
2 and their employees.

3 (i) INDEPENDENT EVALUATIONS.—An eligible entity
4 that receives a grant for activities described in subsection
5 (b)(2) shall—

6 (1) conduct an independent evaluation for effi-
7 cacy, which shall—

8 (A) estimate the impact of the interven-
9 tions carried out under the grant (as imple-
10 mented at the proposed level of scale on a rel-
11 evant outcome for individual groups of stu-
12 dents); and

13 (B) be made broadly available digitally and
14 free of charge, through formal (including peer-
15 reviewed journals) and informal (including
16 newsletters) mechanisms and through posting
17 on the Department of Education’s public
18 website; and

19 (2) cooperate with any technical assistance pro-
20 vided by the Department of Education or the con-
21 tractor of the Department and comply with the re-
22 quirements of any evaluation of the program con-
23 ducted by the Department.

24 (j) REPORTS.—

1 (1) GRANTEES.—An eligible entity that receives
2 a grant under this section shall submit an annual re-
3 port to the Secretary describing—

4 (A) the proposed and actual uses of funds,
5 including a description of how much funding
6 supported which evidence-based interventions;

7 (B) how funds were used and their effect
8 on student access to accelerated student learn-
9 ing, mastery of content and social-emotional,
10 mental, behavioral, and physical health out-
11 comes, which may include success measures
12 such as school culture surveys, workplace cul-
13 ture surveys, family feedback, and existing di-
14 agnostic or formative assessments,
15 disaggregated by the specific groups identified
16 in section 1111(b)(2)(B)(xi) of the Elementary
17 and Secondary Education Act of 1965 (20
18 U.S.C. 6311(b)(2)(B)(xi)), in a manner that
19 protects personally identifiable information;

20 (C) how the State educational agency or
21 local educational agency distributed funds, in-
22 cluding any formula or methodology that was
23 used, to schools served by such agency to meet
24 the academic, social-emotional, mental, behav-
25 ioral, and physical health needs of students who

1 have been disproportionately affected by
2 COVID–19 and school closures, including stu-
3 dents from low-income families, children with
4 disabilities, English learners, students of color,
5 students experiencing homelessness, children
6 and youth in foster care, migrant children, and
7 students involved with the juvenile justice sys-
8 tem; and

9 (D) how the grant funds were supple-
10 mented with State and local funds targeted to
11 disproportionately affected students as de-
12 scribed in subparagraph (B), including funds
13 appropriated through State formula grants to
14 local educational agencies.

15 (2) REPORTS TO CONGRESS.—Beginning 1 year
16 after the first grants are awarded under this section,
17 and annually thereafter, the Secretary shall submit
18 and digitally publish a report to Congress detail-
19 ing—

20 (A) the basis on which grants were award-
21 ed;

22 (B) eligible entities that received grants
23 and amount of funding received by each grant-
24 ee;

1 (C) the proposed and actual uses of funds,
 2 including a description of how much funding
 3 supported which evidence-based interventions;

4 (D) available outcomes related to student
 5 learning and social-emotional, mental, behav-
 6 ioral, and physical health, disaggregated by the
 7 specific groups identified in section
 8 1111(b)(2)(B)(xi) of the Elementary and Sec-
 9 ondary Education Act of 1965 (20 U.S.C.
 10 6311(b)(2)(B)(xi)), in a manner that protects
 11 personally identifiable information; and

12 (E) the technical assistance activities of
 13 the Department of Education and costs of these
 14 activities, dissemination costs, and costs of
 15 other activities supported by the set-aside for
 16 the Department of Education.

17 (k) AUTHORIZATION OF APPROPRIATIONS.—There
 18 are authorized to be appropriated to carry out this sec-
 19 tion—

20 (1) \$15,000,000,000 for each of the fiscal years
 21 2021 through 2023;

22 (2) \$10,000,000,000 for each of the fiscal years
 23 2024 through 2027; and

- 1 (3) \$5,000,000,000 for each of the fiscal years
- 2 2028 through 2030.

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