

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2639
OFFERED BY MS. FUDGE OF OHIO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Strength in Diversity
3 Act of 2019”.

4 SEC. 2. PURPOSE.

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

10 SEC. 3. RESERVATION FOR NATIONAL ACTIVITIES.

11 The Secretary may reserve not more than 5 percent
12 of the amounts made available under section 10 for a fis-
13 cal year to carry out activities of national significance re-
14 lating to this Act, which may include—

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

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

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

5 (a) AUTHORIZATION.—

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

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

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

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

19 (C) both such planning grants and imple-
20 mentation grants.

21 (b) AWARD BASIS.—

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

1 (A) the quality of the application sub-
2 mitted by an eligible entity under section 5; and

3 (B) the likelihood, as determined by the
4 Secretary, that the eligible entity will use the
5 grant to improve student outcomes or outcomes
6 on other performance measures described in
7 section 7.

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

11 (A) First, to an eligible entity that pro-
12 poses, in an application submitted under section
13 5, to use the grant to support a program that
14 addresses racial isolation.

15 (B) Second, to an eligible entity that pro-
16 poses, in an application submitted under section
17 5, to use the grant to support a program that
18 extends beyond one local educational agency,
19 such as an inter-district or regional program.

20 (c) DURATION OF GRANTS.—

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

24 (2) IMPLEMENTATION GRANT.—An implemen-
25 tation grant awarded under this section shall be for

1 a period of not more than 3 years, except that the
2 Secretary may extend an implementation grant for
3 an additional 2-year period if the eligible entity re-
4 ceiving the grant demonstrates to the Secretary that
5 the eligible entity is making significant progress, as
6 determined by the Secretary, on the program per-
7 formance measures described in section 7.

8 **SEC. 5. APPLICATIONS.**

9 In order to receive a grant under section 4, an eligible
10 entity shall submit an application to the Secretary at such
11 time and in such manner as the Secretary may require.
12 Such application shall include—

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

15 (A) how the eligible entity proposes to use
16 the grant to improve the academic and life out-
17 comes of students in racial or socioeconomic
18 isolation in covered schools by supporting inter-
19 ventions that increase diversity in such covered
20 schools;

21 (B) in the case of an implementation
22 grant, the implementation grant plan described
23 in section 6(b)(1); and

24 (C) evidence, or if such evidence is not
25 available, a rationale based on current research,

1 regarding how the program will increase diver-
2 sity;

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

7 (3) in the case of an eligible entity proposing to
8 use any portion of the grant to benefit high-poverty
9 covered schools, a description of how the eligible en-
10 tity will identify and define income level and socio-
11 economic status;

12 (4) a description of the plan of the eligible enti-
13 ty for continuing the program after the grant period
14 ends;

15 (5) a description of how the eligible entity will
16 assess, monitor, and evaluate the impact of the ac-
17 tivities funded under the grant on student achieve-
18 ment and student enrollment diversity;

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

23 (A) consultation with appropriate officials
24 from Indian Tribes or Tribal organizations ap-

1 proved by the Tribes located in the area served
2 by the eligible entity;

3 (B) consultation with other community en-
4 tities, including local housing or transportation
5 authorities;

6 (C) public hearings or other open forums
7 to inform the development of any formal strat-
8 egy to increase diversity; and

9 (D) outreach to parents and students, in a
10 language that parents and students can under-
11 stand, and consultation with students and fami-
12 lies in the targeted district or region that is de-
13 signed to ensure participation in the planning
14 and development of any formal strategy to in-
15 crease diversity;

16 (7) an estimate of the number of students that
17 the eligible entity plans to serve under the program
18 and the number of students to be served through ad-
19 ditional expansion of the program after the grant
20 period ends;

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

22 (A) cooperate with the Secretary in evalu-
23 ating the program, including any evaluation
24 that might require data and information from

1 multiple recipients of grants under section 4;
2 and

3 (B) engage in the best practices developed
4 under section 3(2);

5 (9) an assurance that, to the extent possible,
6 the eligible entity has considered the potential impli-
7 cations of the grant activities on the demographics
8 and student enrollment of nearby covered schools
9 not included in the activities of the grant; and

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

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

19 (B) test a promising strategy to increase
20 diversity in covered schools.

21 **SEC. 6. USES OF FUNDS.**

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

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

4 (A) the educational outcomes and racial
5 and socioeconomic stratification of children at-
6 tending covered schools; and

7 (B) an analysis of the location and capaci-
8 ty of program and school facilities and the ade-
9 quacy of local or regional transportation infra-
10 structure.

11 (2) Developing and implementing a robust fam-
12 ily, student, and community engagement plan, in-
13 cluding, where feasible, public hearings or other
14 open forums that would precede and inform the de-
15 velopment of a formal strategy to improve diversity
16 in covered schools.

17 (3) Developing options, including timelines and
18 cost estimates, for improving diversity in covered
19 schools, such as weighted lotteries, revised feeder
20 patterns, school boundary redesign, or regional co-
21 ordination.

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

1 (5) Building the capacity to collect and analyze
2 data that provide information for transparency, con-
3 tinuous improvement, and evaluation.

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

6 (7) Engaging in best practices developed under
7 section 3(2).

8 (b) IMPLEMENTATION GRANTS.—

9 (1) IMPLEMENTATION GRANT PLAN.—Each eli-
10 gible entity that receives an implementation grant
11 under section 4 shall implement a high-quality plan
12 to support students in covered schools that in-
13 cludes—

14 (A) a comprehensive set of strategies de-
15 signed to improve academic outcomes for all
16 students, particularly students of color and low-
17 income students, by increasing diversity in cov-
18 ered schools;

19 (B) evidence of strong family and commu-
20 nity support for such strategies, including evi-
21 dence that the eligible entity has engaged in
22 meaningful family and community outreach ac-
23 tivities;

24 (C) goals to increase diversity in covered
25 schools over the course of the grant period;

1 (D) collection and analysis of data to pro-
2 vide transparency and support continuous im-
3 provement throughout the grant period; and

4 (E) a rigorous method of evaluation of the
5 effectiveness of the program.

6 (2) IMPLEMENTATION GRANT ACTIVITIES.—

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

10 (A) Recruiting, hiring, or training addi-
11 tional teachers, administrators, and other in-
12 structional and support staff in new, expanded,
13 or restructured covered schools, or other profes-
14 sional development activities for staff and ad-
15 ministrators.

16 (B) Investing in specialized academic pro-
17 grams or facilities designed to encourage inter-
18 district school attendance patterns.

19 (C) Developing or initiating a transpor-
20 tation plan for bringing students to and from
21 covered schools, if such transportation is sus-
22 tainable beyond the grant period and does not
23 represent a significant portion of the grant re-
24 ceived by an eligible entity under section 4.

1 (D) Developing innovative and equitable
2 school assignment plans.

3 (E) Carrying out innovative activities de-
4 signed to increase racial and socioeconomic
5 school diversity and engagement between chil-
6 dren from different racial, economic, and cul-
7 tural backgrounds.

8 **SEC. 7. PERFORMANCE MEASURES.**

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

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

20 (A) increasing school readiness;

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

23 (C) increasing high school graduation
24 rates;

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

3 (E) reducing school discipline rates;

4 (F) any other indicator the Secretary or el-
5 igible entity may identify; and

6 (2) increasing diversity and decreasing racial or
7 socioeconomic isolation in covered schools.

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

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

13 (1) a description of the efforts of the eligible
14 entity to increase inclusivity;

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

18 (3) the data supporting such progress.

19 **SEC. 9. APPLICABILITY.**

20 Section 426 of the General Education Provisions Act
21 (20 U.S.C. 1228) shall not apply with respect to activities
22 carried out under a grant under this Act.

1 **SEC. 10. 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 2020 and each of the 5 succeeding fiscal years.

5 **SEC. 11. 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 local educational agency, a consortium
15 of such agencies, an educational service agency, or
16 regional educational agency that at the time of the
17 application of such eligible entity has significant
18 achievement gaps and socioeconomic or racial seg-
19regation within or between the school districts served
20 by such entity.

21 (3) ESEA TERMS.—The terms “educational
22 service agency”, “elementary school”, “local edu-
23 cational agency”, “secondary school”, and “Sec-
24 retary” have the meanings given such terms in sec-
25 tion 8101 of the Elementary and Secondary Edu-
26 cation Act of 1965 (20 U.S.C. 7801).

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

