

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 729
OFFERED BY MR. SCOTT OF VIRGINIA**

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 2021”.

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 AND STATE ACTIVI-
11 TIES.**

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

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

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

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

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

13 (a) AUTHORIZATION.—

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

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

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

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

3 (C) both such planning grants and imple-
4 mentation grants.

5 (b) AWARD BASIS.—

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

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

11 (B) the likelihood, as determined by the
12 Secretary, that the eligible entity will use the
13 grant to improve student outcomes or outcomes
14 on other performance measures described in
15 section 7; and

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

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

22 (A) First, to an eligible entity that sub-
23 mitted an application for a grant under the
24 Opening Doors, Expanding Opportunities pro-
25 gram described in the notice published by the

1 Department of Education in the Federal Reg-
2 ister on December 14, 2016 (81 Fed. Reg.
3 90343 et seq.).

4 (B) Second, to an eligible entity that pro-
5 poses, in an application submitted under section
6 5, to use the grant to support a program that
7 addresses racial isolation.

8 (C) Third, to an eligible entity that pro-
9 poses, in an application submitted under section
10 5, to use the grant to support a program that
11 extends beyond one local educational agency,
12 such as an inter-district or regional program.

13 (D) Fourth, to an eligible entity that dem-
14 onstrates meaningful coordination with local
15 housing agencies to increase access to schools
16 that have a disproportionately low number of
17 low-income students.

18 (c) DURATION OF GRANTS.—

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

22 (2) IMPLEMENTATION GRANT.—An implemen-
23 tation grant awarded under this section shall be for
24 a period of not more than 3 years, except that the
25 Secretary may extend an implementation grant for

1 an additional 2-year period if the eligible entity re-
2 ceiving the grant demonstrates to the Secretary that
3 the eligible entity is making significant progress, as
4 determined by the Secretary, on the program per-
5 formance measures described in section 7.

6 **SEC. 5. APPLICATIONS.**

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

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

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

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

22 (C) evidence, or if such evidence is not
23 available, a rationale based on current research,
24 regarding how the program will increase diver-
25 sity;

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

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

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

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

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

22 (A) consultation with appropriate officials
23 from Indian Tribes or Tribal organizations ap-
24 proved by the Tribes located in the area served
25 by the eligible entity;

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

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

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

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

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

20 (A) cooperate with the Secretary in evalu-
21 ating the program, including any evaluation
22 that might require data and information from
23 multiple recipients of grants under section 4;
24 and

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

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

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

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

17 (B) test a promising strategy to increase
18 diversity in covered schools;

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

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

4 (A) to assess and prevent the redrawing of
5 school district lines in a manner that increases
6 racial or socioeconomic isolation;

7 (B) to assess the segregation impacts of
8 new school construction proposals and to
9 prioritize school construction funding that will
10 foreseeably increase racial and economic inte-
11 gration; and

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

17 **SEC. 6. USES OF FUNDS.**

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

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

1 (A) the educational outcomes and racial
2 and socioeconomic stratification of children at-
3 tending covered schools;

4 (B) an analysis of the location and capac-
5 ity of program and school facilities and the ade-
6 quacy of local or regional transportation infra-
7 structure; and

8 (C) teacher diversity in covered schools,
9 and plans for expanding teacher diversity.

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

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

21 (4) Developing an implementation plan based
22 on community preferences among the options devel-
23 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(a)(2).

8 (8) If applicable, developing an implementation
9 plan to replace entrance exams or other competitive
10 application procedures with methods of student as-
11 signment to promote racial and socioeconomic diver-
12 sity.

13 (b) IMPLEMENTATION GRANTS.—

14 (1) IMPLEMENTATION GRANT PLAN.—Each eli-
15 gible entity that receives an implementation grant
16 under section 4 shall implement a high-quality plan
17 to support students in covered schools that in-
18 cludes—

19 (A) a comprehensive set of strategies de-
20 signed to improve academic outcomes for all
21 students, particularly students of color and low-
22 income students, by increasing diversity in cov-
23 ered schools;

24 (B) evidence of strong family and commu-
25 nity support for such strategies, including evi-

1 dence that the eligible entity has engaged in
2 meaningful family and community outreach ac-
3 tivities;

4 (C) goals to increase diversity, including
5 teacher diversity, in covered schools over the
6 course of the grant period;

7 (D) collection and analysis of data to pro-
8 vide transparency and support continuous im-
9 provement throughout the grant period; and

10 (E) a rigorous method of evaluation of the
11 effectiveness of the program.

12 (2) IMPLEMENTATION GRANT ACTIVITIES.—

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

16 (A) Recruiting, hiring, or training addi-
17 tional teachers, administrators, school coun-
18 selors, and other instructional and support staff
19 in new, expanded, or restructured covered
20 schools, or other professional development ac-
21 tivities for staff and administrators.

22 (B) Investing in specialized academic pro-
23 grams or facilities designed to encourage inter-
24 district school attendance patterns.

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

7 (D) Developing innovative and equitable
8 school assignment plans.

9 (E) Carrying out innovative activities de-
10 signed to increase racial and socioeconomic
11 school diversity and engagement between chil-
12 dren from different racial, economic, and cul-
13 tural backgrounds.

14 (F) Creating or improving systems and
15 partnerships to create a one-stop enrollment
16 process for students with multiple public school
17 options, including making school information
18 and data more accessible and easy to under-
19 stand, in order to ensure access to low poverty
20 or high-performing schools for low-income chil-
21 dren and to promote racial and socioeconomic
22 diversity.

23 (G) Increasing teacher diversity in covered
24 schools.

1 **SEC. 7. PERFORMANCE MEASURES.**

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

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

13 (A) increasing school readiness;

14 (B) increasing student achievement and
15 decreasing achievement gaps;

16 (C) increasing high school graduation
17 rates;

18 (D) increasing readiness for postsecondary
19 education and careers;

20 (E) improving access to mental health and
21 social-emotional learning;

22 (F) reducing school discipline rates; and

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

25 (2) increasing diversity and decreasing racial or
26 socioeconomic isolation in covered schools.

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

2 An eligible entity that receives a grant under section
3 4 shall submit to the Secretary, at such time and in such
4 manner as the Secretary may require, an annual report
5 that includes—

6 (1) a description of the efforts of the eligible
7 entity to increase inclusivity;

8 (2) information on the progress of the eligible
9 entity with respect to the performance measures de-
10 scribed in section 7;

11 (3) the data supporting such progress;

12 (4) a description of how the eligible entity will
13 continue to make improvements toward increasing
14 diversity and decreasing racial or socioeconomic iso-
15 lation in covered schools and sustaining inclusion;
16 and

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

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out
22 this Act such sums as may be necessary for fiscal year
23 2022 and each of the 5 succeeding fiscal years.

24 **SEC. 10. DEFINITIONS.**

25 In this Act:

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

3 (A) a publicly-funded early childhood edu-
4 cation program;

5 (B) a public elementary school; or

6 (C) a public secondary school.

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

15 (3) ESEA TERMS.—The terms “educational
16 service agency”, “elementary school”, “local edu-
17 cational agency”, “secondary school”, “Secretary”,
18 and “State educational agency” have the meanings
19 given such terms in section 8101 of the Elementary
20 and Secondary Education Act of 1965 (20 U.S.C.
21 7801).

22 (4) PUBLICLY-FUNDED EARLY CHILDHOOD
23 EDUCATION PROGRAM.—The term “publicly-funded
24 early childhood education program” means an early
25 childhood education program (as defined in section

1 103(8) of the Higher Education Act of 1965 (20
2 U.S.C. 1003(8)) that receives State or Federal
3 funds.

