

February 9, 2011

Office of Innovation and Improvement
Attention: Investing in Innovation Comments
U.S. Department of Education
400 Maryland Avenue, SW., Room 4W321
Washington, DC 20202

Re: Investing in Innovation Fund Priorities

To Whom It May Concern:

The undersigned civil rights organizations and scholars are pleased to submit comments on the “Notice of proposed revisions to priorities, requirements, and selection criteria” for the Department of Education’s Investing in Innovation Fund program, 76 Fed. Reg. 1412 (January 10, 2011).

As indicated in earlier comments on the “i3” Fund (submitted November 9, 2009)¹, we believe that the Department has missed an important opportunity in neglecting to include “promoting diversity” as a priority to be used in evaluating i3 grant applications. The absence of this priority is especially significant in light of the fact that the Department recently added “promoting diversity” to its list of proposed priorities for discretionary grant programs, 75 Fed. Reg. 47284 (August 5, 2010). According to the Department, these priorities reflect an effort to “focus Federal financial assistance on expanding the number of programs and projects Department-wide that support activities in the areas of greatest educational need.”

We are pleased that the Department has taken the important step of recognizing the role school diversity plays in improving the educational outcomes of low-income and minority students. And while we recognize that every priority is not applicable to every discretionary grant program, the i3 Fund, with its focus on new strategies and support for scaling up smaller efforts, is an ideal program in which to include the “promoting diversity” priority.

Like the other current priorities for the program (including “Innovations for Improving Early Learning Outcomes; Innovations that Support College Access and Success, and Innovations to Address the Unique Learning Needs of Students with Disabilities and Limited English Proficient Students), the “promoting diversity” priority could yield a number of quality applicants and lead to the strengthening and scaling up of successful racial and socioeconomic school integration programs. The diversity priority also presents an opportunity for the Department to infuse one of its major reform initiatives, the i3 Fund, with an emphasis on racial and socioeconomic diversity- a goal supported recently by the Secretary in a letter to the *Washington Post*.²

¹ See www.prrac.org/pdf/InvestinginInnovation.pdf.

² Secretary Arne Duncan, “Maintaining racial diversity in schools,” *The Washington Post*, January 13, 2011.

The stated purpose of the i3 Fund is to provide funding to applicants “with a record of improving student achievement” in order to expand innovative practices to improve student achievement and student growth for high-need students, close the achievement gap, reduce dropout rates, and increase high school graduation rates. By excluding “promoting diversity” in the competitive preference priorities, the Department ignores compelling research that demonstrates that racial and socioeconomic integration can have a powerful impact on student academic success.³

We encourage the Department to revise the proposed priorities for the i3 Fund to include “promoting diversity” as a competitive preference priority. A recent analysis of the highest-rated applicants in the 2010 competition revealed that the applications addressed all of the competitive preference priorities articulated by the Department.⁴ Without this designation, it is unlikely applicants in the 2011 competition will pay attention to this goal and applicants proposing projects that include a focus on school diversity will have no competitive advantage for funding.

Thank you for the opportunity to present these comments. Please let us know if you need additional information. We would be happy to consult with the Department further on the issues addressed in this letter.

Sincerely,

Saba Bireda
Philip Tegeler
Poverty & Race Research Action Council
Washington, DC
sbireda@prrac.org

Khin Mai Aung
Asian American Legal Defense and
Education Fund
New York, NY

Damon Hewitt and Eric Gonzalez
NAACP Legal Defense and
Educational Fund, Inc.
New York, NY

Laura W. Murphy and Deborah J. Vagins
Washington Legislative Office
American Civil Liberties Union
Washington, DC

Fatima Goss Graves
National Women’s Law Center
Washington, DC

Donna M. Harris-Aikens
National Education Association
Washington, DC

³ As referenced in our November 9, 2009 letter, please see Rosyln Mickelson, *Twenty-first Century Social Science on School Racial Diversity and Educational Outcomes*, 69 Ohio St. L.J. 1173 (2008).

⁴ U.S. Department of Education, “Frequently Asked Questions Regarding the 2010 Highest-Rated i3 Applicants,” August 11, 2010.

Gary Orfield and Patricia Gándara
Civil Rights Project/*Proyecto Derechos Civiles*
UCLA
Los Angeles, CA

Susan Eaton
Charles Hamilton Houston Institute
for Race and Justice
Harvard Law School
Cambridge, MA

Mark Dorosin and Elizabeth McL. Haddix
UNC School of Law
Center for Civil Rights
Chapel Hill, NC

Myron Orfield
Institute on Race & Poverty
University of Minnesota School of Law
Minneapolis, MN

Andrew Grant-Thomas
Kirwan Institute for the
Study of Race and Ethnicity
Ohio State University
Columbus, OH

Derek Black
Education Rights Center
Howard University School of Law
Washington, DC

Professor John C. Brittain*
University of the District of Columbia
David A. Clarke School of Law
Washington, DC

Professor James Ryan*
University of Virginia School of Law
Charlottesville, VA

Professor Kevin Welner*
University of Colorado at Boulder
Boulder, CO

*University listed for identification/affiliation purposes only.