

From: [Michael DiNapoli](#)
To: [Tracey-Mooney, Maureen EOP/WHO](#)
Cc: [Tiffany Miller](#); [Sara Plasencia](#); [Rodriguez, Roberto](#); [Cardichon, Jessica](#); [Valtierra, Loredana](#); [Patrick, Kayla](#); [Lane, James](#); adam.shott@ed.gov
Subject: RE: Seeking the Administration's Position on Removing an Anti-Busing Provision
Date: Thursday, July 7, 2022 2:28:32 PM

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Good Afternoon All –

I sent this e-mail on repealing Section 1652 late on a Friday ahead of the July 4th long weekend. I just wanted to make sure you saw it. In addition to flagging the repeal of Section 1652 we are hearing that the Senate L-HHS Committee is unlikely to fund the Fostering Diverse Schools Program, any influence you have there would be helpful. As you know, the House has included this program in their L-HHS funding bill for two years in a row.

Best,
Michael

From: Michael DiNapoli
Sent: Friday, July 1, 2022 4:31 PM
To: Tracey-Mooney, Maureen EOP/WHO <(b)(6)>
Cc: Tiffany Miller <tmiller@learningpolicyinstitute.org>; Sara Plasencia <splasencia@learningpolicyinstitute.org>; Rodriguez, Roberto <Roberto.Rodriguez@ed.gov>; Cardichon, Jessica <jessica.Cardichon@ed.gov>; Valtierra, Loredana <Loredana.Valtierra2@ed.gov>; kayla.patrick@ed.gov; james.lane@ed.gov; adam.shott@ed.gov
Subject: Seeking the Administration's Position on Removing an Anti-Busing Provision

Hi Mo,

I hope this email finds you well and apologies for a late email in advance of a three day weekend. We know that access to racially, socioeconomically, and linguistically diverse learning environments, is a big priority for the Biden-Harris Administration. It is evident in [the Secretary's priorities](#); [the FY 23 budget](#), including investments in the Fostering Diverse Schools Program and Magnet School Assistance Program; [through grant notices](#); and [commitments](#) during [the campaign](#).

We are reaching out to today because there is [a barrier in federal law](#) that would help prevent federal funds from being used to support transportation for school integration. Prior prohibitions on using federal funding on transportation to support school integration have been removed on a bipartisan basis through the appropriations process (see page 15, #3; for more background).

I am reaching out to today because the Hill is working through the FY 23 appropriations process and may reach out to see if the Administration supports removing Section 1652 which prohibits – with

some hurdle-ridden exceptions – the use of federal funding for transportation to support school integration. **Given the Administration’s work on this front and the President’s specific commitments to remove these busing prohibitions, I am assuming that the answer is yes, the Administration’s position is that it supports [repealing Section 1652](#). If that is the case, it would be great if you could share that with the House and Senate education authorizers and appropriators.**

It was assumed, in 2020, [when Congress repealed Section 426 of the General Education Provisions Act \(GEPA\)](#), that the last of these prohibitions had been removed. With Section 1652 still on the books, which also applies to programs that GEPA governs, that is not the case, and the language is quite chilling, as it requires, “the express written voluntary consent of appropriate local school officials,” in order for federal funds to be used to support transportation for school integration.

It also provides multiple footholds for anti-diversity forces to prevent federal funds from being used to support transportation for school integration (see this language: “No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.”).

Finally, the FY 22 omnibus bill required ED to provide T.A. to districts on how federal ESEA school improvement funds can be used to support transportation for school integration ([page 260](#)). The presence of 1652 will make this T.A. less straightforward, and again, possibly chilling for districts.

In short, I hope the Administration’s official position is the repeal of 1652 and that it can be communicated to the Hill in a timely fashion so it can be repealed via the FY23 funding bill.

Removing this provision is important for state and local communities that are voluntarily and locally acting to diversify their schools, including through transportation that facilitates inter- and intra-district efforts.

Thanks for all of your hard work! And since, this question will likely come ED’s way, copying ED for awareness .

Best,
Michael

Michael A. DiNapoli Jr.
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From: [Michael DiNapoli](#)
To: [Patrick, Kayla <\(b\)\(6\)>@gmail.com](#)
Subject: RE: Following Up on Our School Diversity Meeting Yesterday
Date: Monday, October 17, 2022 1:47:57 PM

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Thanks for the follow up Kayla! We appreciate the work you're doing!

Best,
Michael

From: Patrick, Kayla <Kayla.Patrick@ed.gov>
Sent: Monday, October 17, 2022 12:45 PM
To: [\(b\)\(6\)>@gmail.com](#)
Cc: Michael DiNapoli <mdinapoli@learningpolicyinstitute.org>
Subject: RE: Following Up on Our School Diversity Meeting Yesterday

Hi Michael and Gina,

This was perfect! Thank you so much for your willingness to help on such a short timeline. I really appreciate it. I will circle back if we need anything else.

From: Gina Chirichigno <[\(b\)\(6\)>@gmail.com](#)>
Sent: Thursday, October 13, 2022 2:48 PM
To: Patrick, Kayla <[Kayla.Patrick@ed.gov](#)>
Cc: Michael DiNapoli <[mdinapoli@learningpolicyinstitute.org](#)>
Subject: Re: Following Up on Our School Diversity Meeting Yesterday

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We'd be happy to supplement what Michael sent if we have additional details about what would be helpful. Hartford and METCO would definitely be on our list. :)

With appreciation,

--gina

Gina Chirichigno
Director, The National Coalition on School Diversity
<http://www.school-diversity.org>

(b)(6)

Automatically schedule a call with me using (b)(6) If the times listed don't work for you, please suggest 3 times you are available along with your preferred contact number/method (e.g. cell or conference call #, Zoom, etc.).

On Wed, Oct 12, 2022 at 11:23 AM Patrick, Kayla <Kayla.Patrick@ed.gov> wrote:

Hi Michael and Gina,

I hope you are both well. I am hoping that one of you could point us in the direction of two high quality examples of LEA's or consortium of LEA's that have made some progress toward school diversity. Happy to chat more about what we are looking for if that would be helpful.

I apologize for the very quick turnaround but hoping you can share something with us by end of day tomorrow?

Many thanks in advance!

From: Michael DiNapoli <mdinapoli@learningpolicyinstitute.org>

Sent: Friday, August 26, 2022 11:46 AM

To: Rodriguez, Roberto <Roberto.Rodriguez@ed.gov>; Lane, James <James.Lane@ed.gov>; Cardichon, Jessica <jessica.Cardichon@ed.gov>; Carlson, Danny <Danny.Carlson@ed.gov>; Patrick, Kayla <Kayla.Patrick@ed.gov>; Galanter, Seth M. <Seth.M.Galanter@ed.gov>; Joyce.Bridget@ed.gov; Russo, Dana <Dana.Russo@ed.gov>

Cc: Tiffany Miller <tmillier@learningpolicyinstitute.org>; Sara Plasencia <splasencia@learningpolicyinstitute.org>; smansukhani@rabengroup.com; vhidalgo@rabengroup.com (b)(6)@gmail.com; ptegeler@prrac.org

Subject: RE: Following Up on Our School Diversity Meeting Yesterday

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Good Morning Team ED –

Thanks again for meeting with us last week. I wanted to circle back on one item that we forgot to include in our follow up that pertains to funding the Fostering Diverse Schools Program in the FY23 bill. Attached, please find a memo that outlines K-12 programs that have been authorized on appropriations bill or have been proposed to be authorized on appropriations bill. Specifically, the memo list K-12 programs that the Senate L-HHS majority under Chair Murray have proposed to authorize in their FY22 and FY23 L-HHS bills. Below that is a list of K-12 programs that have been created through the authorization process.

Given the evidence of past action on creating K-12 programs via appropriations, **we ask that the**

Administration weigh in directly with Senator Murrays staff to communicate that providing \$100 million for the Fostering Diverse Schools program in FY 23 is a priority for the Administration.

Best,
Michael

From: Michael DiNapoli

Sent: Friday, August 19, 2022 9:37 AM

To: Rodriguez, Roberto <Roberto.Rodriguez@ed.gov>; james.lane@ed.gov; Cardichon, Jessica <jessica.Cardichon@ed.gov>; Danny.Carlson@ed.gov; Patrick, Kayla <kayla.patrick@ed.gov>; 'Seth.Galanter@ed.gov' <Seth.Galanter@ed.gov>; 'Joyce.Bridget@ed.gov' <Joyce.Bridget@ed.gov>; 'Dana.Russo@ed.gov' <Dana.Russo@ed.gov>

Cc: Tiffany Miller <tmiller@learningpolicyinstitute.org>; Sara Plasencia <splasencia@learningpolicyinstitute.org>; smansukhani@rabengroup.com; vhidalgo@rabengroup.com; (b)(6) <[REDACTED]@gmail.com>; ptegeler@prrac.org

Subject: Following Up on Our School Diversity Meeting Yesterday

Good Morning Team ED –

Thanks for meeting with LPI, NCSd, and PRRAC yesterday. I wanted to follow up on a few items we discussed and I know PRRAC and NCSd will be following up as well.

First, attached in case it is helpful, is our memo on recommendations for implementing the Title IV-A set-aside to support school diversity as directed by the FY22 omnibus. Many of the research-based practices to support school diversity may be helpful for the resource document you are putting together on supporting access to diverse school environments.

Second, attached please find the letter Senator Murphy, along with Senators Sanders, Booker, and Durbin, sent to Senator Murray, requesting that the Senate L-HHS fund the \$100 million Fostering Diverse Schools Program in the FY23 bill. Senator Murphy is planning another letter, which will likely be signed by more Senators, that will be sent in late September/ early October. Senator Booker has dropped a note to Senator Murray on this program and Senator Murphy has talked to her on the Senate floor, and will again. Please also [find NCSd's FY23 appropriations letter](#), signed by over 40 groups, which includes an ask to fund the Fostering Diverse Schools program. We hope these resources are helpful as you engage with Congress.

Best,
Michael

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