

110TH CONGRESS
1ST SESSION

H. R. 3406

To provide grants to States to ensure that all students exit the middle grades prepared for success in a high school with an academically rigorous curriculum that prepares students for postsecondary education and the workplace.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. GRIJALVA (for himself, Mrs. NAPOLITANO, Mr. HARE, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. YARMUTH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. FILNER, Ms. SOLIS, Mr. HOLT, and Mrs. MCCARTHY of New York) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide grants to States to ensure that all students exit the middle grades prepared for success in a high school with an academically rigorous curriculum that prepares students for postsecondary education and the workplace.

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 “Success in the Middle
5 Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 (1) Students in grades 5 through 8 represent
3 58 percent (approximately 15 million) of the Na-
4 tion's annual test-takers under the amendments
5 made by the No Child Left Behind Act of 2001.

6 (2) According to the 2005 National Assessment
7 on Educational Progress (NAEP), fewer than one-
8 third of the students in 8th grade can read and
9 write with proficiency; in mathematics, only 30 per-
10 cent of students in 8th grade perform at the pro-
11 ficient level, and nearly one-third score below the
12 basic level.

13 (3) According to the 2005 NAEP, only 6 per-
14 cent of students with disabilities in 8th grade scored
15 at or above proficiency in reading as compared with
16 31 percent for non-disabled students.

17 (4) Results from ACT's EXPLORE assessment
18 reflect that only 11 percent of 8th grade students
19 are on track to succeed in first-year college English,
20 algebra, biology and social science courses.

21 (5) 96 percent of 8th grade English language
22 learners scored below the proficient level of the read-
23 ing portion of the 2005 NAEP.

24 (6) Sixth-grade students who do not attend
25 school regularly, who receive poor behavior marks, or
26 who fail mathematics or English have no more than

1 a 10 percent chance of graduating high school on
2 time and a 20 percent chance of graduating one year
3 late.

4 (7) If funds provided under title I of the Ele-
5 mentary and Secondary Education Act of 1965 were
6 distributed on the basis of student populations, mid-
7 dle schools (representing 23 percent of the Nation's
8 student population) would receive approximately
9 \$2.92 billion of the current title I allocation. Yet, of
10 the \$12.7 billion appropriated in FY 2005 for title
11 I, only \$1.27 billion (10 percent) is allocated to mid-
12 dle schools by the States.

13 (8) Middle school students are optimistic about
14 their future with 93 percent believing that there is
15 no chance that they will drop out of high school and
16 92 percent say that it is likely that they will attend
17 college. Yet about one-third of students who enter
18 high school do not graduate with their peers, and
19 another third graduate but do not have the knowl-
20 edge and skills to succeed in college.

21 (9) 68 percent of middle school students indi-
22 cate that they have little or no information about
23 how to choose high school classes that will prepare
24 them for college.

1 (10) Research reflects that the middle school
2 period is an important time for early postsecondary
3 planning.

4 (11) Research also associates the middle school
5 years with declines in motivation, self-perception,
6 and academic achievement.

7 (12) Transitions from elementary to middle
8 school and middle school to high school are often
9 complicated by poor vertical curriculum alignment,
10 inadequate counseling services to help students make
11 decisions about course work and co-curricular activi-
12 ties, and unsatisfactory sharing of student perform-
13 ance data between schools.

14 (13) To stem a dropout rate twice that of stu-
15 dents without disabilities, students with disabilities
16 in the critical middle grades must receive appro-
17 priate academic accommodations and access to as-
18 sistive technology, high risk behaviors such as absen-
19 teeism and course failure must be monitored, and
20 problem-solving skills with broad application must be
21 taught.

1 **TITLE I—MIDDLE SCHOOL**
2 **IMPROVEMENT**

3 **SEC. 101. FORMULA GRANTS TO STATE EDUCATIONAL**
4 **AGENCIES FOR MIDDLE SCHOOL IMPROVE-**
5 **MENT.**

6 (a) **IN GENERAL.**—From amounts appropriated
7 under section 106, the Secretary shall make grants under
8 this title to each State educational agency for which the
9 Secretary has approved an application under subsection
10 (f). The amount of grant to each such State educational
11 agency for each fiscal year shall equal the allotment for
12 such agency determined under subsection (c) for such
13 year.

14 (b) **RESERVATIONS.**—From the total amount made
15 available to carry out this title for a fiscal year, the Sec-
16 retary—

17 (1) shall reserve 1 percent to evaluate the effec-
18 tiveness of this title in achieving its purposes, in-
19 cluding hiring an outside evaluator and ensuring
20 that results are peer-reviewed and widely dissemi-
21 nated; and

22 (2) shall reserve 5 percent for technical assist-
23 ance and dissemination of best practice in middle
24 grades education to States and local educational
25 agencies.

1 (c) AMOUNT OF STATE ALLOTMENTS.—

2 (1) IN GENERAL.—Of the total amount avail-
3 able for allotments to carry out this title for a fiscal
4 year, the Secretary shall allot such amount among
5 the States in proportion to the number of children,
6 aged 5 to 17, who reside within each State and are
7 from families with incomes below the poverty line for
8 the most recent fiscal year for which satisfactory
9 data are available (determined in accordance with
10 paragraphs (2) and (3) of section 1124(a) of the El-
11 elementary and Secondary Education Act of 1965).

12 (2) MINIMUM ALLOTMENTS.—No State edu-
13 cational agency shall receive an allotment under this
14 subsection that is less than \$20,000,000.

15 (d) MATCHING REQUIREMENT.—

16 (1) IN GENERAL.—To be eligible to receive a
17 grant under this section, a State educational agency
18 shall provide non-Federal matching funds equal to
19 not less than 25 percent of the amount of the grant.

20 (2) IN-KIND CONTRIBUTIONS.—In-kind con-
21 tributions may be used to meet the requirement of
22 paragraph (1) but only to the extent of 10 percent
23 of the amount of the grant.

24 (e) REALLOTMENT.—

1 (1) FAILURE TO APPLY; APPLICATION NOT AP-
2 PROVED.—If any State does not apply for an allot-
3 ment under this title for a fiscal year or if the State
4 educational agency’s application is not approved, the
5 Secretary shall reallocate the amount of the State’s al-
6 lotment to the remaining States in accordance with
7 this section.

8 (2) UNUSED FUNDS.—The Secretary may
9 reallocate any amount of an allotment to a State if the
10 Secretary determines that the State will be unable to
11 use such amount within 2 years of such allotment.
12 Such reallocations shall be made on the same basis
13 as allotments are made under subsection (c).

14 (f) APPLICATION.—In order to receive a grant under
15 this title, a State educational agency shall submit an appli-
16 cation to the Secretary (at such time and in such form
17 as the Secretary may require) which includes—

18 (1) the State middle school improvement plan
19 described in section 102(a)(2), and

20 (2) such other information as the Secretary
21 may reasonably require.

22 **SEC. 102. STATE PLAN; AUTHORIZED ACTIVITIES.**

23 (a) MANDATORY ACTIVITIES.—

24 (1) IN GENERAL.—Grants awarded under this
25 title to a State educational agency shall be used—

1 (A) to carry out the middle school improve-
2 ment plan described in paragraph (3) of such
3 agency, and

4 (B) to make subgrants to local educational
5 agencies under section 103.

6 (2) FUNDS FOR SUBGRANTS.—At least 80 per-
7 cent of the grant funds awarded under this title to
8 a State educational agency shall be used to make
9 subgrants to local educational agencies under section
10 103.

11 (3) MIDDLE SCHOOL IMPROVEMENT PLAN.—
12 The middle school improvement plan of a State edu-
13 cational agency shall be a statewide plan to improve
14 student achievement that describes what students
15 are required to know and do to successfully complete
16 the middle grades and make the transition to suc-
17 ceed in an academically rigorous high school that
18 prepares students for postsecondary education and
19 the workplace. The plan shall also describe how the
20 State educational agency will do the following:

21 (A) Ensure that the curricula and assess-
22 ments for middle grades education are aligned
23 with high school curricula and assessments and
24 prepare students to take challenging high school

1 courses and successfully engage in postsec-
2 ondary education.

3 (B) Provide professional development to
4 school leaders, teachers and other school per-
5 sonnel in addressing the needs of diverse learn-
6 ers, including students with disabilities and
7 English language learners, and in using chal-
8 lenging and relevant research-based best prac-
9 tices and curriculum, and using data to inform
10 instruction.

11 (C) Identify and disseminate information
12 on effective schools and instructional strategies
13 for middle grade learners based on high-quality
14 research.

15 (D) Include specific provisions for students
16 most at-risk of failure, including English lan-
17 guage learners and students with disabilities.

18 (E) Develop and implement early warning
19 data systems (as defined in section 103(i)) to
20 alert schools when students begin to exhibit
21 outcomes which indicate the student is at in-
22 creased risk for low achievement or falling off
23 the path to high school graduation and develop
24 and implement a system of evidence based

1 interventions that schools can use to effectively
2 intervene.

3 (b) PERMISSIBLE ACTIVITIES.—

4 (1) IN GENERAL.—Grants awarded under this
5 title to a State educational agency may be used to
6 make competitive grants to eligible entities to carry
7 out the following activities:

8 (A) Develop and encourage collaborations
9 among researchers at institutions of higher edu-
10 cation, State educational agencies, educational
11 service agencies (as defined in section 9101(17)
12 of the Elementary and Secondary Education
13 Act of 1965), local educational agencies, and
14 nonprofit organizations to expand the use of ef-
15 fective practices in the middle grades and to im-
16 prove middle grade education.

17 (B) Support local educational agencies in
18 implementing proven middle grade practices,
19 models and programs that are evidence-based
20 and demonstrate improved student achievement.

21 (C) Create and sustain networks to dis-
22 seminate high-quality research that relates to
23 middle grade education best practices.

24 (2) ELIGIBLE ENTITY.—For purposes of para-
25 graph (1), the term “eligible entity” means any

1 partnership that includes at least 1 local educational
2 agency. Such a partnership may include an institu-
3 tion of higher education, an education service agen-
4 cy, and any non-profit organization with dem-
5 onstrated expertise in high quality middle level inter-
6 ventions.

7 **SEC. 103. COMPETITIVE SUBGRANTS TO LOCAL EDU-**
8 **CATIONAL AGENCIES TO IMPROVE LOW-PER-**
9 **FORMING MIDDLE GRADES.**

10 (a) IN GENERAL.—A State educational agency re-
11 ceiving a grant under this title shall make competitive sub-
12 grants to eligible local educational agencies.

13 (b) PRIORITIES.—In making subgrants under this
14 section, a State educational agency shall give priority to
15 eligible local educational agencies based on—

16 (1) their respective populations of children de-
17 scribed in section 101(c), and

18 (2) their respective populations of children at-
19 tending eligible schools.

20 (c) MATCHING REQUIREMENT.—

21 (1) IN GENERAL.—To be eligible to receive a
22 subgrant under this section, an eligible local edu-
23 cational agency shall provide non-Federal matching
24 funds equal to not less than 15 percent of the
25 amount of the subgrant.

1 (2) IN-KIND CONTRIBUTIONS.—In-kind con-
2 tributions may be used to meet the requirement of
3 paragraph (1) but only to the extent of 10 percent
4 of the amount of the subgrant.

5 (d) APPLICATION.—In order to receive a subgrant
6 under this section, an eligible local educational agency
7 shall submit an application to the State educational agen-
8 cy (at such time and in such form as the State educational
9 agency may require) which includes—

10 (1) the comprehensive schoolwide improvement
11 plan described in subsection (e) for each eligible
12 school, and

13 (2) such other information as such agency may
14 reasonably require.

15 (e) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT
16 PLAN.—The comprehensive local middle school improve-
17 ment plan of an eligible local educational agency shall in-
18 clude the information described in subsection (b) and de-
19 scribe how the agency will—

20 (1) identify eligible schools;

21 (2) ensure that funds go to the highest priority
22 eligible schools first;

23 (3) use funds to improve the achievement of all
24 students, including English language learners and

1 students with disabilities, in eligible schools and
2 middle grades;

3 (4) implement an early warning data system
4 and appropriate interventions;

5 (5) increase academic rigor and foster student
6 engagement to ensure students are entering high
7 school prepared for success in the workplace and in
8 a rigorous college-ready curriculum, including a de-
9 scription of how such readiness will be measured;
10 and

11 (6) implement a systemic transition plan for all
12 students and encourage collaboration between ele-
13 mentary, middle, and high schools.

14 (f) MANDATORY USES OF FUNDS.—Subgrants
15 awarded under this section shall be used by eligible local
16 educational agencies to develop and implement com-
17 prehensive, schoolwide improvement plan in eligible
18 schools that include the following:

19 (1) Align curricula between elementary grades,
20 middle grades, and high schools and across all grade
21 levels within those schools.

22 (2) Implement evidence-based instructional
23 strategies and learning environments that meet the
24 needs of all students and ensure that school leaders

1 and teachers receive professional development on
2 using these strategies.

3 (3) Develop and use an effective formative as-
4 sessment to inform instruction.

5 (4) Implement organizational practices and
6 school schedules which allow for collaborative leader-
7 ship, effective teacher teaming, and parent and com-
8 munity involvement.

9 (5) Create a more personalized and engaging
10 learning environment for middle grade students by
11 developing a personal academic plan for each stu-
12 dent and assigning at least one adult to help mon-
13 itor student progress.

14 (6) Provide all students with information and
15 assistance about the requirements for high school
16 graduation, college admission, and career success.

17 (7) Utilize data from an early warning data
18 system and guidance resources to identify struggling
19 students and assist them as they transition from ele-
20 mentary grade to middle grades and from middle
21 grades to high school.

22 (8) Implement academic supports and effective
23 and coordinated extra help programs to ensure that
24 students have a strong foundation in reading, writ-
25 ing, mathematics, and science skills.

1 (9) Implement evidence-based school-wide pro-
2 grams and targeted supports to promote positive
3 academic outcomes, such as increased attendance
4 rates and the promotion of physical, personal, and
5 social development.

6 (g) PERMISSIBLE USES OF FUNDS.—Subgrants
7 awarded under this section may be used by eligible local
8 educational agencies for the following:

9 (1) Implement extended learning opportunities
10 in core academic areas including more instructional
11 time in literacy, mathematics, science, history, and
12 civics in addition to opportunities for language in-
13 struction and understanding other cultures and the
14 arts.

15 (2) Provide professional development activities
16 to enable teachers and other school staff to appro-
17 priately monitor academic and behavioral progress,
18 modify curricula, and implement accommodations
19 and assistive technology services for students with
20 disabilities, consistent with individualized education
21 programs under section 614(d) of the Individuals
22 with Disabilities Education Act.

23 (3) Employ and use instructional coaches, in-
24 cluding literacy, mathematics, and English language
25 learner coaches.

1 (4) Ensure that school leaders, teachers, pupil
2 service personnel, and other school staff understand
3 the developmental stages of adolescents in the mid-
4 dle grades and how to deal with those stages appro-
5 priately in an educational setting.

6 (5) Provide professional development for con-
7 tent-area teachers on working effectively with
8 English language learners and students with disabil-
9 ities, as well as professional development for English
10 as a second language educators, bilingual educators,
11 and special education personnel.

12 (6) Encourage and facilitate the sharing of data
13 among elementary, middle, and high schools as well
14 as postsecondary institutions.

15 (7) Create professional learning communities
16 focused on enabling student success in high chal-
17 lenge middle grade schools across middle grade
18 schools in the school district and between school dis-
19 tricts, where possible.

20 (h) PLANNING SUBGRANTS.—

21 (1) IN GENERAL.—In addition to the subgrants
22 to which the preceding provisions of this section
23 apply, a State educational agency may (without re-
24 gard to such preceding provisions) make subgrants
25 to eligible local educational agencies that have not

1 received a grant under subsection (a) to assist them
2 is meeting the requirements of subsections (d) and
3 (e).

4 (2) AMOUNT AND DURATION.—Subgrants under
5 this subsection may not exceed \$50,000 nor 1 year
6 in duration.

7 (i) DEFINITIONS.—For purposes of this section—

8 (1) EARLY WARNING DATA SYSTEM.—The term
9 “early warning data system” means any electronic
10 system—

11 (A) which is maintained by the State edu-
12 cational agency for use by local educational
13 agencies and schools containing at least 1 mid-
14 dle grade,

15 (B) which stores individual middle grade
16 student level data (including data necessary to
17 make the determinations under paragraph
18 (3)(B)) tied to a unique student identifier on
19 school outcomes that has been shown to be
20 highly predictive of whether or not a student is
21 on track to graduate from high school with a
22 regular diploma,

23 (C) the data in which is easily accessible to
24 teachers and administrators and

1 (D) which updated on a regular basis to
2 measure student progress over time.

3 (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
4 The term “eligible local educational agency” means
5 any local educational agency serving at least 1 eligi-
6 ble school.

7 (3) ELIGIBLE SCHOOL.—The term “eligible
8 school” means any school containing at least 1 mid-
9 dle grade if—

10 (A) more than 50 percent of middle grade
11 students go on to attend a high school with a
12 graduation rate of less than 60 percent;

13 (B) more than 25 percent of the students
14 who finish grade 5 in the school exhibit key risk
15 factors and early warning signs, including—

16 (i) student attendance below 90 per-
17 cent,

18 (ii) a failing grade in English or
19 mathematics,

20 (iii) 2 failing grades in any courses,

21 (iv) suspension or other evidence of
22 poor behavior; or

23 (C) more than 50 percent of the middle
24 grade students do not perform at a proficient
25 level on State assessments required under sec-

1 tion 1111(b)(3) of the Elementary and Sec-
 2 ondary Education Act of 1965 in mathematics
 3 or reading or language arts.

4 (4) MIDDLE GRADES.—The term “middle
 5 grades” means grades 5, 6, 7, and 8.

6 **SEC. 104. DURATION OF GRANTS; SUPPLEMENT NOT SUP-**
 7 **PLANT.**

8 (a) DURATION OF GRANTS.—

9 (1) IN GENERAL.—Except as provided in para-
 10 graph (2), grants and subgrants under this title may
 11 not exceed 3 years in duration.

12 (2) RENEWALS.—

13 (A) IN GENERAL.—Grants and subgrants
 14 under this title may be renewed in 2-year incre-
 15 ments.

16 (B) CONDITIONS.—In order to be eligible
 17 to have a grant or subgrant renewed under this
 18 paragraph, the recipient must demonstrate, to
 19 the satisfaction of the granting entity, that—

20 (i) the recipient has complied with the
 21 terms of the grant or subgrant, including
 22 by undertaking all required activities; and

23 (ii) during the period of the grant or
 24 subgrant, there has been significant
 25 progress in student achievement, as meas-

1 ured by the annual measurable objectives
2 established pursuant to section
3 1111(b)(2)(C)(v) of the Elementary and
4 Secondary Education Act and other key
5 risk factors such as attendance and on-
6 time promotion.

7 (b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
8 PLANT, NON-FEDERAL FUNDS.—

9 (1) IN GENERAL.—A State educational agency
10 or local educational agency shall use Federal funds
11 received under this title only to supplement the
12 funds that would, in the absence of such Federal
13 funds, be made available from non-Federal sources
14 for the education of pupils participating in programs
15 assisted under this title, and not to supplant such
16 funds.

17 (2) SPECIAL RULE.—Nothing in this title shall
18 be construed to authorize an officer, employee, or
19 contractor of the Federal Government to mandate,
20 direct, limit, or control a State, local educational
21 agency, or school’s specific instructional content,
22 academic achievement standards and assessments,
23 curriculum, or program of instruction.

24 **SEC. 105. DEFINITIONS.**

25 For purposes of this title—

1 (1) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (2) STATE.—The term “State” means each of
4 the 50 States, the District of Columbia, and the
5 Commonwealth of Puerto Rico.

6 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

7 For the purpose of carrying out this title, there are
8 authorized to be appropriated \$1,000,000,000 for fiscal
9 year 2008 and each of the 5 succeeding fiscal years.

10 **TITLE J—RESEARCH**
11 **RECOMMENDATIONS**

12 **SEC. 201. PURPOSE.**

13 The purpose of this title is to facilitate the genera-
14 tion, dissemination, and application of research needed to
15 identify and implement effective practices that lead to con-
16 tinual student learning and high academic achievement at
17 the middle level.

18 **SEC. 202. RESEARCH RECOMMENDATIONS.**

19 The Secretary of Education shall use the amounts ap-
20 propriated under this title to carry out the following activi-
21 ties:

22 (1) Create a national clearinghouse for research
23 in: best practices in the middle level and in the ap-
24 proaches that successfully take those best practices
25 to scale in schools and school districts.

1 (2) Create a national middle level database ac-
2 cessible to educational researchers, practitioners,
3 and policymakers that identify school, classroom,
4 and system-level factors that facilitate or impede
5 student achievement in the middle grades.

6 (3) Require the Institute of Education Sciences
7 or any other educational research agency to develop
8 a strand of field-initiated research designed to en-
9 hance performance of middle grade schools and stu-
10 dents who are most at risk of educational failure.
11 Such research should target specific issues such
12 as—

13 (A) effective practices in mathematics,
14 science, literacy;

15 (B) academic interventions for adolescent
16 English language learners; and

17 (C) school improvement programs and
18 strategies for closing the achievement gap.

19 (4) Require the Institute of Education Sciences
20 or any other educational research agency to initiate
21 a series of large scale randomized field trials de-
22 signed to establish the most effective ways to—

23 (A) use increase learning or school time in
24 the middle grades,

1 (B) decrease class size or employ addi-
2 tional instructional staff, and

3 (C) recruit, retain, and develop teachers
4 with strong middle grade teaching skills in
5 order to raise middle grade achievement.

6 (5) Strengthen the work of the existing Na-
7 tional Research and Development Centers by adding
8 a research and development center dedicated to ad-
9 dressing—

10 (A) curricular/instructional issues pertinent
11 to the middle grades (such as mathematics,
12 science, the needs of English language learners,
13 and students with disabilities);

14 (B) comprehensive school-wide reforms for
15 low performing middle grade schools; and

16 (C) other topics pertinent to middle grades
17 schools.

18 (6) Provide grants to nonprofit organizations,
19 for-profit organizations, institutes of higher learning,
20 and others to partner with State and local edu-
21 cational agencies to develop, adapt, and/or replicate
22 effective models for turning around low-performing
23 middle grade schools.

1 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
2 **TIONS.**

3 (1) AUTHORIZATION.—There are authorized to
4 be appropriated \$100,000,000 to carry out this title.

5 (2) RESERVATIONS.—From the total amount
6 made available to carry out this title, the Secretary
7 shall reserve—

8 (A) 5 percent for the database described in
9 section 202(1);

10 (B) 5 percent for the database described in
11 section 202(2);

12 (C) 25 percent for the activities described
13 in section 202(3);

14 (D) 20 percent for the activities described
15 in section 202(4);

16 (E) 15 percent for the activities described
17 in section 202(5); and

18 (F) 30 percent for the activities described
19 in section 202(6).

○