

110TH CONGRESS  
1ST SESSION

# S. 2227

To provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2007

Mr. OBAMA (for himself and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Success in the Middle  
3 Act of 2007”.

4 **SEC. 2. FINDINGS.**

5       In this Act:

6           (1) Assessments indicate that the interval be-  
7       tween the 4th and 8th grades is a period where aca-  
8       demic achievement for United States students falls  
9       dramatically, with the most severe losses in academic  
10      achievement among minority and low-income stu-  
11      dents. International comparisons indicate that stu-  
12      dents in the United States do not start out behind  
13      students of other nations in mathematics and  
14      science, but that they fall behind by the end of the  
15      middle grades.

16           (2) Only  $\frac{1}{3}$  of the students in 8th grade, and  
17      only 5 percent of English language learners, can  
18      read with proficiency, according to the 2007 Na-  
19      tional Assessment on Educational Progress (NAEP).  
20      The percentage of 8th grade students proficient at  
21      reading has decreased since 1998, and the NAEP  
22      average reading score for 8th graders has remained  
23      static. In contrast, NAEP reading scores and  
24      achievement levels for 4th graders have increased  
25      significantly.

1           (3) In mathematics, again less than  $\frac{1}{3}$  of stu-  
2       dents in 8th grade show skills at the NAEP pro-  
3       ficient level, and nearly 30 percent score below the  
4       basic level. The percentage of 8th grade students  
5       scoring above the basic level was 8 points higher in  
6       2007 than in 2000, but for 4th graders, the percent-  
7       age increased 17 points, more than double the in-  
8       crease for middle school students. In 8th grade, the  
9       gaps between the average mathematics scores of  
10      white and black students and between white and  
11      Hispanic students were as wide in 2007 as in 1990.

12          (4) Lack of basic skills at the end of middle  
13      school has serious implications for students. Stu-  
14      dents who enter high school 2 or more years behind  
15      grade level in mathematics and literacy have only a  
16      50 percent chance of progressing on time to the  
17      10th grade; those not progressing are at grave risk  
18      of dropping out of high school.

19          (5) Middle school students are hopeful about  
20      their future, with 93 percent believing that they will  
21      complete high school and 92 percent anticipating  
22      that they will attend college. Yet about  $\frac{1}{3}$  of stu-  
23      dents who enter high school do not graduate with  
24      their peers, and another  $\frac{1}{3}$  graduate but do not  
25      have the knowledge and skills to succeed in college.

1 In fact, results from ACT's EXPLORE assessment  
2 reflect that only 11 percent of 8th grade students  
3 are on track to succeed in first-year college English,  
4 algebra, biology and social science courses.

5 (6) Sixth-grade students who do not attend  
6 school regularly, who are subjected to frequent dis-  
7 ciplinary actions, or who fail mathematics or English  
8 have no more than a 10 percent chance of grad-  
9 uating high school on time and a 20 percent chance  
10 of graduating 1 year late. Significant numbers of  
11 6th grade students exhibit attendance or behavior  
12 problems, or need additional supports in reading or  
13 mathematics; without effective interventions and  
14 proper supports, these students are at risk of subse-  
15 quent failure in high school, or of dropping out.

16 (7) Student transitions from elementary school  
17 to middle school and from middle school to high  
18 school are often complicated by poor curriculum  
19 alignment, inadequate counseling services to help  
20 them make decisions about high school classes that  
21 will prepare them for college, and unsatisfactory  
22 sharing of student performance and academic  
23 achievement data between schools.

24 (8) Middle schools are more likely than elemen-  
25 tary schools or high schools to be identified for im-

1       provement. Although middle schools represented only  
2       15 percent of the schools that received funds under  
3       part A of title I of the Elementary and Secondary  
4       Education Act of 1965 (20 U.S.C. 6311 et seq.),  
5       they accounted for 32 percent of those schools in  
6       corrective action or restructuring during 2005–2006.  
7       In the 2004–2005 academic year, 36 percent of mid-  
8       dle schools that received funds under part A of title  
9       I of the Elementary and Secondary Education Act  
10      of 1965 (20 U.S.C. 6311 et seq.), were deemed in  
11      need of improvement, compared with 10 percent of  
12      elementary schools.

13           (9) Federal funding has long focused on early  
14      elementary grades and on higher education. Stu-  
15      dents in the middle grades represent 23 percent of  
16      the Nation’s student population and 58 percent of  
17      the Nation’s annual test-takers under the Elemen-  
18      tary and Secondary Education Act of 1965 (20  
19      U.S.C. 6301 et seq.). Yet, of the funds appropriated  
20      in fiscal year 2005 for part A of title I of the Ele-  
21      mentary and Secondary Education Act of 1965 (20  
22      U.S.C. 6311 et seq.), only 10 percent were allocated  
23      to middle schools by the States.

24           (10) Middle school improvement strategies  
25      should be tailored based on a variety of performance

1 indicators and data, so that educators can create  
2 and implement successful school improvement strate-  
3 gies to address the needs of the individual schools,  
4 and so that schools can provide effective instruction  
5 and adequate assistance to meet the needs of at-risk  
6 students.

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

15 (12) Local educational agencies and State edu-  
16 cational agencies often do not have the capacity to  
17 provide support for school improvement strategies.  
18 Successful models do exist for turning around low-  
19 performing middle schools, and Federal support  
20 should be provided to increase the capacity to apply  
21 promising practices based on evidence from success-  
22 ful schools.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1           (1) MIDDLE SCHOOL.—The term “middle  
2       school” means a nonprofit public school, including a  
3       public charter middle school, that provides education  
4       in any 2 or more successive grades beginning with  
5       grade 5 and ending with grade 8, as determined  
6       under State law.

7           (2) MIDDLE GRADE.—The term “middle grade”  
8       means grade 5, 6, 7, or 8.

9           (3) SCIENTIFICALLY VALID.—The term “sci-  
10      entifically valid” means the rationale, design, and in-  
11      terpretation are soundly developed in accordance  
12      with accepted principles of scientific research.

13          (4) SECRETARY.—The term “Secretary” means  
14      the Secretary of Education.

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

## 18           **TITLE I—MIDDLE SCHOOL** 19           **IMPROVEMENT**

### 20   **SEC. 101. PURPOSES.**

21       The purposes of this title are to—

22           (1) improve middle school student academic  
23      achievement to prepare students for rigorous high  
24      school course work, and eventually for postsecondary  
25      education, independent living, and employment;

1           (2) align curriculum and student supports be-  
 2           tween elementary school and middle school and be-  
 3           tween middle school and high school;

4           (3) provide resources to State educational agen-  
 5           cies and local educational agencies to collaboratively  
 6           develop school improvement plans in order to deliver  
 7           support and technical assistance to schools serving  
 8           students in the middle grades; and

9           (4) increase the capacity of States and local  
 10          educational agencies to develop effective, sustainable,  
 11          and replicable school improvement programs and  
 12          models and evidence-based or, when available, sci-  
 13          entifically valid student interventions for implemen-  
 14          tation by schools serving students in the middle  
 15          grades.

16 **SEC. 102. FORMULA GRANTS TO STATE EDUCATIONAL**  
 17 **AGENCIES FOR MIDDLE SCHOOL IMPROVE-**  
 18 **MENT.**

19          (a) IN GENERAL.—From amounts appropriated  
 20          under section 107, the Secretary shall make grants under  
 21          this title for a fiscal year to each State educational agency  
 22          for which the Secretary has approved an application under  
 23          subsection (h) in an amount equal to the allotment deter-  
 24          mined for such agency under subsection (c) for such fiscal  
 25          year.



1 (b) RESERVATIONS.—From the total amount made  
2 available to carry out this title for a fiscal year, the Sec-  
3 retary—

4 (1) shall reserve not more than 1 percent for  
5 the Secretary of the Interior (on behalf of the Bu-  
6 reau of Indian Affairs) and the outlying areas for  
7 activities carried out in accordance with this section;

8 (2) shall reserve 1 percent to evaluate the effec-  
9 tiveness of this title in achieving the purposes of this  
10 title and ensuring that results are peer-reviewed and  
11 widely disseminated, which may include hiring an  
12 outside evaluator; and

13 (3) shall reserve 5 percent for technical assist-  
14 ance and dissemination of best practices in middle  
15 grades education to States and local educational  
16 agencies.

17 (c) AMOUNT OF STATE ALLOTMENTS.—

18 (1) IN GENERAL.—Of the total amount made  
19 available to carry out this title for a fiscal year and  
20 not reserved under subsection (b), the Secretary  
21 shall allot such amount among the States in propor-  
22 tion to the number of children, aged 5 to 17, who  
23 reside within the State and are from families with  
24 incomes below the poverty line for the most recent  
25 fiscal year for which satisfactory data are available,

1 compared to the number of such individuals who re-  
 2 side in all such States for that fiscal year, deter-  
 3 mined in accordance with section 1124(c)(1)(A) of  
 4 the Elementary and Secondary Education Act of  
 5 1965(20 U.S.C. 6333(c)(1)(A)).

6 (2) MINIMUM ALLOTMENTS.—No State edu-  
 7 cational agency shall receive an allotment under this  
 8 subsection for a fiscal year that is less than  $\frac{1}{2}$  of  
 9 1 percent of the amount made available to carry out  
 10 this title for such fiscal year.

11 (d) MATCHING REQUIREMENT.—

12 (1) IN GENERAL.—To be eligible to receive a  
 13 grant under this title, a State educational agency  
 14 shall provide non-Federal matching funds equal to  
 15 not less than 25 percent of the amount of the grant.

16 (2) IN-KIND CONTRIBUTIONS.—In-kind con-  
 17 tributions, fairly assessed, may be used to meet the  
 18 requirement of paragraph (1) but only to the extent  
 19 of 10 percent of the amount of the grant.

20 (e) SPECIAL RULE.—For any fiscal year for which  
 21 the funds appropriated to carry out this title are less than  
 22 \$500,000,000, the Secretary is authorized to award grants  
 23 to State educational agencies, on a competitive basis, rath-  
 24 er than as allotments described in this section, to enable

1 such agencies to award subgrants, on a competitive basis,  
2 to carry out the activities authorized under section 104.

3 (f) REALLOTMENT.—

4 (1) FAILURE TO APPLY; APPLICATION NOT AP-  
5 PROVED.—If any State does not apply for an allot-  
6 ment under this title for a fiscal year, or if the ap-  
7 plication from the State educational agency is not  
8 approved, the Secretary shall reallocate the amount of  
9 the State's allotment to the remaining States in ac-  
10 cordance with this section.

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

17 (g) APPLICATION.—In order to receive a grant under  
18 this title, a State educational agency shall submit an appli-  
19 cation to the Secretary at such time, in such manner, and  
20 accompanied by such information as the Secretary may  
21 reasonably require, including a State middle school im-  
22 provement plan described in section 103(a)(4).

23 (h) PEER REVIEW AND SELECTION.—The Sec-  
24 retary—

1           (1) shall establish a peer-review process to as-  
2           sist in the review and approval of proposed State ap-  
3           plications;

4           (2) shall appoint individuals to participate in  
5           the peer-review process who are educators and ex-  
6           perts in identifying, evaluating, and implementing  
7           effective education programs and practices, including  
8           areas of teaching and learning, educational stand-  
9           ards and assessments, school improvement, and aca-  
10          demic and behavioral supports for middle school stu-  
11          dents, including recognized exemplary middle level  
12          teachers and principals who have been recognized at  
13          the State or national level for exemplary work or  
14          contributions to the field;

15          (3) shall ensure that States are given the op-  
16          portunity to receive timely feedback, and to interact  
17          with peer-review panels, in person or via electronic  
18          communication, on issues that need clarification dur-  
19          ing the peer-review process;

20          (4) shall approve a State application submitted  
21          under this title not later than 120 days after the  
22          date of submission of the application unless the Sec-  
23          retary determines that the application does not meet  
24          the requirements of this title;

1           (5) may not decline to approve a State’s appli-  
2 cation before—

3                   (A) offering the State an opportunity to  
4 revise the State’s application;

5                   (B) providing the State with technical as-  
6 sistance in order to submit a successful applica-  
7 tion; and

8                   (C) providing a hearing to the State; and

9           (6) shall direct the Inspector General of the De-  
10 partment to review final determinations reached by  
11 the Secretary to approve or deny State applications,  
12 and to analyze the consistency of the process used  
13 by peer review panels in reviewing and recom-  
14 mending to the Secretary approval or denial of such  
15 State applications, and report the findings of this re-  
16 view and analysis to Congress.

17 **SEC. 103. STATE PLAN; AUTHORIZED ACTIVITIES.**

18           (a) MANDATORY ACTIVITIES.—

19                   (1) IN GENERAL.—A State educational agency  
20 that receives a grant under this title shall use the  
21 grant funds—

22                           (A) to prepare and implement the needs  
23 analysis and middle school improvement plan  
24 described in paragraphs (3) and (4) of such  
25 agency;

1 (B) to make subgrants to local educational  
2 agencies under section 104; and

3 (C) to assist local educational agencies  
4 when determined necessary, or at the request of  
5 a local educational agency, in designing an im-  
6 provement plan and carrying out the activities  
7 under section 104.

8 (2) FUNDS FOR SUBGRANTS.—A State edu-  
9 cational agency that receives a grant under this title  
10 shall use not less than 80 percent of the grant funds  
11 to make subgrants to local educational agencies  
12 under section 104.

13 (3) MIDDLE SCHOOL NEEDS ANALYSIS.—

14 (A) IN GENERAL.—A State educational  
15 agency that receives a grant under this title  
16 shall enter into a contract, or similar formal  
17 agreement, to work with entities such as na-  
18 tional and regional comprehensive centers (as  
19 described in section 203 of the Educational  
20 Technical Assistance Act of 2002), institutions  
21 of higher education, or nonprofit organizations,  
22 to prepare a plan that analyzes how to  
23 strengthen the programs, practices, and policies  
24 of the State in supporting middle school edu-  
25 cation, including the factors, such as local im-

plementation, that influence variation in the effectiveness of such programs, practices, and policies.

(B) PREPARATION OF PLAN.—In preparing the plan under subparagraph (A), the State educational agency shall examine policies and practices of the State, and of local educational agencies within the State, affecting—

(i) middle school curriculum instruction and assessment;

(ii) education accountability and data systems;

(iii) teacher quality and equitable distribution; and

(iv) interventions that support learning in school.

(4) MIDDLE SCHOOL IMPROVEMENT PLAN.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title shall develop a middle school improvement plan that shall be a statewide plan to improve student academic achievement, based on the needs analysis described in paragraph (3), that describes what students are required to know and do to successfully—

- 1 (i) complete the middle grades; and  
2 (ii) make the transition to succeed in  
3 an academically rigorous high school  
4 coursework, that prepares students for col-  
5 lege, independent living, and employment.

6 (B) PLAN COMPONENTS.—A middle school  
7 improvement plan described in subparagraph  
8 (A) shall also describe how the State edu-  
9 cational agency will do each of the following:

- 10 (i) Ensure that the curricula and as-  
11 sessments for middle grades education are  
12 aligned with high school curricula and as-  
13 sessments and prepare students to take  
14 challenging high school courses and suc-  
15 cessfully engage in postsecondary edu-  
16 cation, ensuring coordination, where appli-  
17 cable, with grants for P–16 alignment as  
18 provided in section 6401 of the America  
19 COMPETES Act (Public Law 110–69).

- 20 (ii) Provide professional development  
21 to school leaders, teachers, and other  
22 school personnel in addressing the needs of  
23 diverse learners, including students with  
24 disabilities and English language learners,  
25 in using challenging and relevant research-



1 based best practices and curricula, and in  
2 using data to inform instruction.

3 (iii) Identify and disseminate informa-  
4 tion on effective schools and instructional  
5 strategies for middle grade learners based  
6 on high-quality research.

7 (iv) Include specific provisions for stu-  
8 dents most at-risk of failure, including  
9 English language learners and students  
10 with disabilities.

11 (v) Develop and implement early iden-  
12 tification data systems (as defined in sec-  
13 tion 104(k)) to alert schools when students  
14 begin to exhibit outcomes or behaviors that  
15 indicate the student is at increased risk for  
16 low academic achievement or is unlikely to  
17 progress to high school graduation, to and  
18 develop and implement a system of evi-  
19 dence based interventions that schools can  
20 use to effectively intervene.

21 (vi) Define a set of comprehensive  
22 school performance indicators that shall be  
23 used, in addition to the indicators used to  
24 determine adequate yearly progress, to

1 evaluate school performance, and guide the  
 2 school improvement process, such as—

3 (I) student attendance and ab-  
 4 senteeism;

5 (II) earned on-time promotion  
 6 rates from grade to grade;

7 (III) percent of students failing a  
 8 mathematics, reading or language  
 9 arts, or science course, or failing 2 or  
 10 more of any course;

11 (IV) teacher quality and attend-  
 12 ance measures;

13 (V) in-school and out-of-school  
 14 suspension or other measurable evi-  
 15 dence of at-risk behavior; and

16 (VI) additional indicators pro-  
 17 posed by the State educational agen-  
 18 cy, and approved by the Secretary  
 19 pursuant to the peer-review process  
 20 described in section 102(h).

21 (vii) Ensure that such plan is coordi-  
 22 nated with State activities to turn around  
 23 other schools in need of improvement, in-  
 24 cluding State activities to improve high  
 25 schools and elementary schools.

1 (b) PERMISSIBLE ACTIVITIES.—

2 (1) IN GENERAL.—A State educational agency  
3 that receives a grant under this title may use the  
4 grant funds to make competitive grants to eligible  
5 entities to carry out the following activities:

6 (A) Develop and encourage collaborations  
7 among researchers at institutions of higher edu-  
8 cation, State educational agencies, educational  
9 service agencies (as defined in section 9101 of  
10 the Elementary and Secondary Education Act  
11 of 1965 (20 U.S.C. 7801), local educational  
12 agencies, and nonprofit organizations to expand  
13 the use of effective practices in the middle  
14 grades and to improve middle grade education.

15 (B) Support local educational agencies in  
16 implementing effective middle grade practices,  
17 models and programs that are evidence-based  
18 or, when available, scientifically valid and that  
19 lead to improved student academic achievement.

20 (C) Support collaborative communities of  
21 middle school teachers, administrators, and re-  
22 searchers in creating and sustaining informa-  
23 tional databases to disseminate results from  
24 rigorous research on effective practices and pro-  
25 grams for middle grade education.

1 (D) Increase student support services, such  
 2 as school counseling on the transition to high  
 3 school.

4 (2) ELIGIBLE ENTITY.—In this subsection, the  
 5 term “eligible entity” means any partnership that  
 6 includes not less than 1 local educational agency and  
 7 may include an institution of higher education, an  
 8 educational service agency, and any non-profit orga-  
 9 nization with demonstrated expertise in high quality  
 10 middle grade interventions.

11 **SEC. 104. COMPETITIVE SUBGRANTS TO LOCAL EDU-**  
 12 **CATIONAL AGENCIES TO IMPROVE LOW-PER-**  
 13 **FORMING MIDDLE GRADES.**

14 (a) IN GENERAL.—A State educational agency that  
 15 receives a grant under this title shall make competitive  
 16 subgrants to eligible local educational agencies.

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

20 (1) the local educational agency’s respective  
 21 populations of children described in section  
 22 102(c)(1); and

23 (2) the local educational agency’s respective  
 24 populations of children attending eligible schools.

25 (c) MATCHING REQUIREMENT.—

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

6           (2) IN-KIND CONTRIBUTIONS.—In-kind con-  
7           tributions, fairly assessed, may be used to meet the  
8           requirement of paragraph (1) but only to the extent  
9           of 10 percent of the amount of the subgrant.

10          (d) APPLICATION.—An eligible local educational  
11       agency that desires to receive a subgrant under this title  
12       shall submit an application to the State educational agen-  
13       cy at such time, in such manner, and accompanied by such  
14       information as the State educational agency may reason-  
15       ably require, including—

16               (1) a comprehensive schoolwide improvement  
17       plan described in subsection (e);

18               (2) a description of how activities described in  
19       such plan will be coordinated with activities specified  
20       in plans for schoolwide programs under section 1114  
21       of the Elementary and Secondary Education Act of  
22       1965 (20 U.S.C. 6314) and school improvement  
23       plans required under section 1116 of such Act (20  
24       U.S.C. 6316); and

1           (3) a description of how activities described in  
 2           such plan will be complementary to, and coordinated  
 3           with, school improvement activities for elementary  
 4           schools and high schools in need of improvement  
 5           that serve the same students within the local edu-  
 6           cational agency.

7           (e) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT  
 8 PLAN.—An eligible local educational agency that desires  
 9 to receive a subgrant under this title shall develop a com-  
 10 prehensive schoolwide improvement plan that shall include  
 11 the information described in subsection (d)(2) and de-  
 12 scribe how the agency will—

13           (1) identify eligible schools;

14           (2) ensure that funds go to the highest priority  
 15 eligible schools first;

16           (3) use funds to improve the academic achieve-  
 17 ment of all students, including English language  
 18 learners and students with disabilities, in eligible  
 19 schools and middle grades;

20           (4) implement an early identification data sys-  
 21 tem and use this data to guide decisions on imple-  
 22 menting appropriate interventions;

23           (5) increase academic rigor and foster student  
 24 engagement to ensure students are entering high  
 25 school prepared for success in a rigorous college-

1 ready curriculum, including a description of how  
2 such readiness will be measured;

3 (6) implement a systemic transition plan for all  
4 students and encourage collaboration between ele-  
5 mentary, middle, and high schools; and

6 (7) provide evidence of an ongoing commitment  
7 to sustain the plan for a period of not less than 4  
8 years.

9 (f) REVIEW AND SELECTION OF SUBGRANTS.—In  
10 making subgrants under this section, the State edu-  
11 cational agency shall—

12 (1) establish a peer-review process to assist in  
13 the review and approval of eligible local educational  
14 agency applications; and

15 (2) appoint individuals to participate in the  
16 peer-review process who are educators and experts in  
17 identifying, evaluating, and implementing effective  
18 education programs and practices, including areas of  
19 teaching and learning, educational standards and as-  
20 sessments, school improvement, and academic and  
21 behavioral supports for middle school students, in-  
22 cluding recognized exemplary middle level teachers  
23 and principals who have been recognized at the  
24 State or national level for exemplary work or con-  
25 tributions to the field.

1       (g) REVISION OF SUBGRANTS.—If a State edu-  
 2 cational agency, using the peer-review process described  
 3 in subsection (f), determines that an eligible local edu-  
 4 cational agency’s application does not meet the require-  
 5 ments of this title, the State educational agency shall no-  
 6 tify the local educational agency of such determination  
 7 and the reasons for such determination, and offer—

8           (1) the local educational agency an opportunity  
 9 to revise and resubmit the application; and

10          (2) technical assistance to the local educational  
 11 agency to revise the application.

12       (h) MANDATORY USES OF FUNDS.—An eligible local  
 13 educational agency that receives a subgrant under this  
 14 section shall carry out the following in each eligible school  
 15 served by the agency:

16           (1) Align curricula among elementary grades,  
 17 middle grades, and high schools to improve transi-  
 18 tions from elementary school to middle school and  
 19 from middle school to high school within the local  
 20 educational agency, and across all grade levels with-  
 21 in middle schools to improve grade to grade transi-  
 22 tions.

23           (2) Implement evidence-based or, when avail-  
 24 able, scientifically valid instructional strategies, pro-  
 25 grams, and learning environments that meet the



1 needs of all students and ensure that school leaders  
2 and teachers receive professional development on the  
3 use of these strategies.

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

9 (4) Implement organizational practices and  
10 school schedules that allow for effective leadership,  
11 collaborative staff participation, effective teacher  
12 teaming, and parent and community involvement.

13 (5) Create a more personalized and engaging  
14 learning environment for middle grade students by  
15 developing a personal academic plan for each stu-  
16 dent and assigning not less than 1 adult to help  
17 monitor student progress.

18 (6) Provide all students with information and  
19 assistance about the requirements for high school  
20 graduation, college admission, and career success.

21 (7) Utilize data from an early identification  
22 data system and guidance resources to identify  
23 struggling students and assist the students as the  
24 students transition from elementary school to middle  
25 school and from middle school to high school.

1           (8) Implement academic supports and effective  
2           and coordinated additional assistance programs to  
3           ensure that students have a strong foundation in  
4           reading, writing, mathematics, and science skills.

5           (9) Implement evidence-based or, when avail-  
6           able, scientifically valid schoolwide programs and  
7           targeted supports to promote positive academic out-  
8           comes, such as increased attendance rates and the  
9           promotion of physical, personal, and social develop-  
10          ment.

11          (10) Develop and use an effective formative as-  
12          sessment to inform instruction.

13          (i) PERMISSIBLE USES OF FUNDS.—An eligible local  
14          educational agency that receives a subgrant under this  
15          section may use the subgrant funds to carry out the fol-  
16          lowing:

17               (1) Implement extended learning opportunities  
18               in core academic areas including more instructional  
19               time in literacy, mathematics, science, history, and  
20               civics in addition to opportunities for language in-  
21               struction and understanding other cultures and the  
22               arts.

23               (2) Provide evidence-based professional develop-  
24               ment activities with specific benchmarks to enable  
25               teachers and other school staff to appropriately

1 monitor academic and behavioral progress, modify  
2 curricula, and implement accommodations and as-  
3 sistive technology services for students with disabil-  
4 ities, consistent with individualized education pro-  
5 grams under section 614(d) of the Individuals with  
6 Disabilities Education Act (20 U.S.C. 1414(d)).

7 (3) Employ and use instructional coaches, in-  
8 cluding literacy, mathematics, and English language  
9 learner coaches.

10 (4) Provide professional development for con-  
11 tent-area teachers on working effectively with  
12 English language learners and students with disabil-  
13 ities, as well as professional development for English  
14 as a second language educators, bilingual educators,  
15 and special education personnel.

16 (5) Encourage and facilitate the sharing of data  
17 among elementary schools, middle schools, and high  
18 schools as well as postsecondary institutions.

19 (6) Create collaborative study groups composed  
20 of principals or teachers, or both, among middle  
21 schools within the eligible local educational agency,  
22 or between the eligible local educational agency and  
23 another local educational agency, with a focus on de-  
24 veloping and sharing methods to increase student  
25 learning and academic achievement.

1 (j) PLANNING SUBGRANTS.—

2 (1) IN GENERAL.—In addition to the subgrants  
3 to which the preceding provisions of this section  
4 apply, a State educational agency may (without re-  
5 gard to such preceding provisions) make planning  
6 subgrants, and provide technical assistance, to eligi-  
7 ble local educational agencies that have not received  
8 a subgrant under subsection (a) to assist the local  
9 educational agencies in meeting the requirements of  
10 subsections (d) and (e).

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

14 (k) DEFINITIONS.—In this section:

15 (1) EARLY IDENTIFICATION DATA SYSTEM.—  
16 The term “early identification data system” means  
17 an electronic system—

18 (A) that is maintained by the State edu-  
19 cational agency for use by local educational  
20 agencies and schools containing not less than 1  
21 middle grade;

22 (B) that stores individual middle grade  
23 student level data (including data necessary to  
24 make the determinations under paragraph  
25 (3)(B)) tied to a unique student identifier on

school outcomes that has been shown to be highly predictive of whether or not a student is on track to graduate from high school with a regular diploma, such as—

(i) student attendance and absenteeism;

(ii) earned on-time promotion rates from grade to grade;

(iii) a failing grade in a mathematics, reading or language arts course;

(iv) in-school and out-of-school suspension or other measurable evidence of at-risk behavior; and

(v) additional indicators proposed by the State educational agency and approved by the Secretary;

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

(D) that is updated on a regular basis to measure student progress over time.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

The term “eligible local educational agency” means a local educational agency that serves not less than 1 eligible school.

1           (3) ELIGIBLE SCHOOL.—The term “eligible  
2       school” means a school containing not less than 1  
3       middle grade and—

4           (A) more than 50 percent of the middle  
5       grade students go on to attend a high school  
6       with a graduation rate of less than 60 percent;

7           (B) more than 25 percent of the students  
8       who finish grade 6, or the earliest middle grade  
9       level in the school, exhibit 1 or more of the key  
10      risk factors and early risk identification signs,  
11      including—

12           (i) student attendance below 90 per-  
13      cent;

14           (ii) a failing grade in a mathematics,  
15      reading or language arts course;

16           (iii) 2 failing grades in any courses;  
17      and

18           (iv) out-of-school suspension or other  
19      evidence of at-risk behavior; or

20           (C) more than 50 percent of the middle  
21      grade students do not perform at a proficient  
22      level on State assessments required under sec-  
23      tion 1111(b)(3) of the Elementary and Sec-  
24      ondary Education Act of 1965 (20 U.S.C.

1           6311(b)(3)) in mathematics or reading or lan-  
 2           guage arts.

3 **SEC. 105. DURATION OF GRANTS; SUPPLEMENT NOT SUP-**  
 4 **PLANT.**

5       (a) DURATION OF GRANTS.—

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

9           (2) RENEWALS.—

10           (A) IN GENERAL.—Grants and subgrants  
 11       under this title may be renewed in 2-year incre-  
 12       ments.

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

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

21           (ii) during the period of the grant or  
 22       subgrant, there has been significant  
 23       progress in student academic achievement,  
 24       as measured by the annual measurable ob-  
 25       jectives established pursuant to section

1                   1111(b)(2)(C)(v) of the Elementary and  
 2                   Secondary Education Act (20 U.S.C.  
 3                   6311(b)(2)(C)(v)) and other key risk fac-  
 4                   tors such as attendance and on-time pro-  
 5                   motion.

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

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

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

23 **SEC. 106. EVALUATION AND REPORTING.**

24          (a) EVALUATION.—Not later than 180 days after the  
 25          date of enactment of this Act, and annually thereafter for



1 the period of the grant, each State receiving a grant under  
2 this title shall—

3 (1) conduct an evaluation of the State's  
4 progress regarding the impact of the changes made  
5 to the policies and practices of the State in accord-  
6 ance with this title, including—

7 (A) a description of the specific changes  
8 made, or in the process of being made, to poli-  
9 cies and practices as a result of the grant;

10 (B) a discussion of any barriers hindering  
11 the identified changes in policies and practices,  
12 and implementations strategies to overcome  
13 such barriers;

14 (C) evidence of the impact of changes to  
15 policies and practices on behavior and actions  
16 at the local educational agency and school level;  
17 and

18 (D) evidence of the impact of the changes  
19 to State and local policies and practices on im-  
20 proving measurable learning gains by middle  
21 school students;

22 (2) use the results of the evaluation conducted  
23 under paragraph (1) to adjust the policies and prac-  
24 tices of the State as necessary to achieve the pur-  
25 poses of this title; and

1           (3) submit the results of the evaluation to the  
2       Secretary.

3           (b) AVAILABILITY.—The Secretary shall make the re-  
4       sults of each State’s evaluation under subsection (a) avail-  
5       able to other States and local educational agencies.

6           (c) LOCAL EDUCATIONAL AGENCY REPORTING.—On  
7       an annual basis, each eligible local educational agency re-  
8       ceiving a subgrant under this title shall report to the State  
9       educational agency and to the public on—

10           (1) the school performance indicators (as de-  
11       scribed in section 103(a)(4)(B)(vi)) for each eligible  
12       school (as defined in section 104(k)) served by the  
13       local educational agency, in the aggregate and  
14       disaggregated by the subgroups described in section  
15       1111(b)(2)(C)(v)(II) of the Elementary and Sec-  
16       ondary Education Act of 1965 (20 U.S.C.  
17       6311(b)(2)(C)(v)(II)); and

18           (2) the use of funds by the local educational  
19       agency and each such school.

20           (d) STATE EDUCATIONAL AGENCY REPORTING.—On  
21       an annual basis, each State educational agency receiving  
22       grant funds under this title shall report to the Secretary  
23       and to the public on—

24           (1) the school performance indicators (as de-  
25       scribed in section 103(a)(4)(B)(vi)) in the aggregate

1 and disaggregated by the subgroups described in  
 2 section 1111(b)(2)(C)(v)(II) of the Elementary and  
 3 Secondary Education Act of 1965 (20 U.S.C.  
 4 6311(b)(2)(C)(v)(II)); and

5 (2) the use of the funds by each local edu-  
 6 cational agency and each school served with such  
 7 funds.

8 (e) REPORT TO CONGRESS.—Every 2 years, the Sec-  
 9 retary shall report to the public and to Congress—

10 (1) a summary of the State reports under sub-  
 11 section (d); and

12 (2) the use of funds by each State under this  
 13 title.

14 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to carry out  
 16 this title \$1,000,000,000 for fiscal year 2008 and such  
 17 sums as may be necessary for each of the 5 succeeding  
 18 fiscal years.

19 **TITLE II—RESEARCH**  
 20 **RECOMMENDATIONS**

21 **SEC. 201. PURPOSE.**

22 The purpose of this title is to facilitate the genera-  
 23 tion, dissemination, and application of research needed to  
 24 identify and implement effective practices that lead to con-

1 tinal student learning and high academic achievement at  
 2 the middle level.

3 **SEC. 202. RESEARCH RECOMMENDATIONS.**

4 (a) STUDY ON PROMISING PRACTICES.—

5 (1) IN GENERAL.—Not later than 60 days after  
 6 the date of enactment of this Act, the Secretary  
 7 shall enter into a contract with the Center for Edu-  
 8 cation of the National Academies to identify prom-  
 9 ising practices for the improvement of middle school  
 10 education.

11 (2) CONTENT OF STUDY.—The study described  
 12 in paragraph (1) shall identify promising practices  
 13 currently being implemented for the improvement of  
 14 middle school education. The study shall be con-  
 15 ducted in an open and transparent way that provides  
 16 interim information to the public about criteria  
 17 being used to identify—

18 (A) promising practices;

19 (B) the practices that are being consid-  
 20 ered; and

21 (C) the kind of evidence needed to docu-  
 22 ment effectiveness.

23 (3) REPORT.—The contract entered into pursu-  
 24 ant to this subsection shall require that the Center  
 25 for Education of the National Academies submit to

1 the Secretary, the Committee on Health, Education,  
 2 Labor, and Pensions of the Senate, and the Com-  
 3 mittee on Education and Labor of the House of  
 4 Representatives a final report regarding the study  
 5 conducted under this subsection not later than 1  
 6 year after the date of the commencement of the con-  
 7 tract.

8 (4) PUBLICATION.—The Secretary shall make  
 9 public and post on the website of the Department of  
 10 Education the findings of the study conducted under  
 11 this subsection.

12 (b) SYNTHESIS STUDY OF EFFECTIVE TEACHING  
 13 AND LEARNING IN MIDDLE SCHOOL.—

14 (1) IN GENERAL.—Not later than 60 days after  
 15 the date of enactment of this Act, the Secretary  
 16 shall enter into a contract with the Center for Edu-  
 17 cation of the National Academies to review existing  
 18 research on middle school education, and on factors  
 19 that might lead to increased effectiveness and en-  
 20 hanced innovation in middle school education.

21 (2) CONTENT OF STUDY.—The study described  
 22 in paragraph (1) shall review research on education  
 23 programs, practices, and policies, as well as research  
 24 on the cognitive, social, and emotional development  
 25 of children in the middle grades age range, in order

1 to provide an enriched understanding of the factors  
2 that might lead to the development of innovative and  
3 effective middle school programs, practices, and poli-  
4 cies. The study shall focus on—

5 (A) the areas of curriculum, instruction,  
6 and assessment (including additional supports  
7 for students who are below grade level in read-  
8 ing, writing, mathematics, and science, and the  
9 identification of students with disabilities) to  
10 better prepare all students for subsequent suc-  
11 cess in high school, college, and cognitively chal-  
12 lenging employment;

13 (B) the quality of, and supports for, the  
14 teacher workforce;

15 (C) aspects of student behavioral and so-  
16 cial development, and of social interactions  
17 within schools that affect the learning of aca-  
18 demic content;

19 (D) the ways in which schools and local  
20 educational agencies are organized and operated  
21 that may be linked to student outcomes; and

22 (E) identification of areas where further  
23 research and evaluation may be needed on these  
24 topics to further the development of effective  
25 middle school practices.

1           (3) REPORT.—The contract entered into pursu-  
2           ant to this subsection shall require that the Center  
3           for Education of the National Academies submit to  
4           the Secretary, the Committee on Health, Education,  
5           Labor, and Pensions of the Senate, and the Com-  
6           mittee on Education and Labor of the House of  
7           Representatives a final report regarding the study  
8           conducted under this subsection not later than 2  
9           years after the date of commencement of the con-  
10          tract.

11          (4) PUBLICATION.—The Secretary shall make  
12          public and post on the website of the Department of  
13          Education the findings of the study conducted under  
14          this subsection.

15          (c) OTHER ACTIVITIES.—The Secretary shall carry  
16          out each of the following:

17               (1) Create a national clearinghouse, in coordi-  
18               nation with entities such as What Works and the  
19               Doing What Works Clearinghouses, for research in  
20               best practices in the middle grades and in the ap-  
21               proaches that successfully take those best practices  
22               to scale in schools and local educational agencies.

23               (2) Create a national middle grades database  
24               accessible to educational researchers, practitioners,  
25               and policymakers that identifies school, classroom,

1 and system-level factors that facilitate or impede  
2 student academic achievement in the middle grades.

3 (3) Require the Institute for Education  
4 Sciences to develop a strand of field-initiated and  
5 scientifically valid research designed to enhance per-  
6 formance of middle grade schools and students who  
7 are most at risk of educational failure, which may be  
8 coordinated with the Regional Education Labora-  
9 tories, institutions of higher education, agencies rec-  
10 ognized for their research work that has been pub-  
11 lished in peer-reviewed journals, and organizations  
12 that have regional education laboratories funded  
13 through the Institute for Education Sciences. Such  
14 research shall target specific issues such as—

15 (A) effective practices for instruction and  
16 assessment in mathematics, science, technology,  
17 and literacy;

18 (B) academic interventions for adolescent  
19 English language learners;

20 (C) school improvement programs and  
21 strategies for closing the academic achievement  
22 gap;

23 (D) evidence-based or, when available, sci-  
24 entifically valid professional development plan-



1           ning targeted to improve pedagogy and student  
2           academic achievement;

3                 (E) the effects of increased learning or ex-  
4           tended school time in the middle grades; and

5                 (F) the effects of decreased class size or  
6           increased instructional and support staff.

7           (4) Strengthen the work of the existing Na-  
8           tional Research and Development Centers by adding  
9           an Educational Research and Development Center  
10          dedicated to addressing—

11                 (A) curricular, instructional, and assess-  
12          ment issues pertinent to the middle grades  
13          (such as mathematics, science, technological flu-  
14          ency, the needs of English language learners,  
15          and students with disabilities);

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

18                 (C) other topics pertinent to middle  
19          schools.

20          (5) Provide grants to nonprofit organizations,  
21          for-profit organizations, institutions of higher edu-  
22          cation, and others to partner with State educational  
23          agencies and local educational agencies to develop,  
24          adapt, or replicate effective models for turning  
25          around low-performing middle schools.

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

3 (a) AUTHORIZATION.—There are authorized to be ap-  
4 propriated to carry out this title \$100,000,000 for fiscal  
5 year 2008 and such sums as may be necessary for each  
6 of the 5 succeeding fiscal years.

7 (b) RESERVATIONS.—From the total amount made  
8 available to carry out this title, the Secretary shall re-  
9 serve—

10 (1) 2.5 percent for the studies described in sub-  
11 sections (a) and (b) of section 202;

12 (2) 5 percent for the clearinghouse described in  
13 section 202(c)(1);

14 (3) 5 percent for the database described in sec-  
15 tion 202(c)(2);

16 (4) 42.5 percent for the activities described in  
17 section 202(c)(3);

18 (5) 15 percent for the activities described in  
19 section 202(c)(4); and

20 (6) 30 percent for the activities described in  
21 section 202(c)(5).

○