

111TH CONGRESS
1ST SESSION

S. 1362

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 grades models for struggling students, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

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

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 grades 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Success in the Middle
5 Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 In this Act:

8 (1) International comparisons indicate that stu-
9 dents in the United States do not start out behind
10 students of other nations in mathematics and
11 science, but that they fall behind by the end of the
12 middle grades.

13 (2) Only $\frac{1}{3}$ of eighth grade students in the
14 United States, and only 4 percent of such students
15 who are English language learners, can read with
16 proficiency, according to the 2007 National Assess-
17 ment on Educational Progress (NAEP). The per-
18 centage of eighth grade students proficient at read-
19 ing has not increased since 1998, and the NAEP av-
20 erage reading score for eighth grade students has re-
21 mained static. In contrast, NAEP reading scores
22 and achievement levels for fourth grade students
23 have increased significantly.

24 (3) In mathematics, less than $\frac{1}{3}$ of students in
25 eighth grade show skills at the NAEP proficient

1 level, and nearly 30 percent score below the basic
2 level. The percentage of eighth grade students scor-
3 ing above the basic level was 8 points higher in 2007
4 than in 2000, but for fourth grade students, the per-
5 centage increased 17 points, more than double the
6 increase for middle grades students. In eighth grade,
7 the gaps between the average mathematics scores of
8 white and black students and between white and
9 Hispanic students were as wide in 2007 as in 1990.

10 (4) Fewer than 2 in 10 of the students who
11 graduated from high school in 2005 or 2006 met, as
12 eighth graders, all 4 of ACT's EXPLORE College
13 Readiness Benchmarks, the minimum level of
14 achievement that ACT has shown is necessary if stu-
15 dents are to be college- and career-ready upon their
16 high school graduation.

17 (5) Lack of basic skills at the end of middle
18 grades has serious implications for students. Stu-
19 dents who enter high school 2 or more years behind
20 grade level in mathematics and literacy have only a
21 50 percent chance of progressing on time to the
22 tenth grade; those not progressing are at significant
23 risk of dropping out of high school.

24 (6) Middle grades students are hopeful about
25 their future, with 93 percent believing that they will

1 complete high school and 92 percent anticipating
2 that they will attend college.

3 (7) Sixth grade students who do not attend
4 school regularly, who are subjected to frequent dis-
5 disciplinary actions, or who fail mathematics or English
6 have less than a 15 percent chance of graduating
7 high school on time and a 20 percent chance of
8 graduating 1 year late. Without effective interven-
9 tions and proper supports, these students are at risk
10 of subsequent failure in high school, or of dropping
11 out.

12 (8) Student transitions from elementary school
13 to the middle grades and to high school are often
14 complicated by poor curriculum alignment, inad-
15 equate counseling services, and unsatisfactory shar-
16 ing of student performance and academic achieve-
17 ment data between grades.

18 (9) According to ACT, the level of academic
19 achievement that students attain by eighth grade
20 has a larger impact on the students' college and ca-
21 reer readiness upon graduation from high school
22 than anything that happens academically in high
23 school.

24 (10) Middle schools are almost twice as likely
25 as elementary schools to be identified for improve-

1 ment, corrective action, or restructuring (22 percent
2 as compared to 13 percent) under section 1116 of
3 the Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 63116).

5 (11) Middle grades improvement strategies
6 should be tailored based on a variety of performance
7 indicators and data, so that educators can create
8 and implement successful school improvement strate-
9 gies to address the needs of the middle grades, and
10 so that teachers can provide effective instruction and
11 adequate assistance to meet the needs of at-risk stu-
12 dents.

13 (12) To stem a dropout rate nearly twice that
14 of students without disabilities, students with dis-
15 abilities in the critical middle grades must receive
16 appropriate academic accommodations and access to
17 assistive technology, high-risk behaviors such as ab-
18 senteism and course failure must be monitored, and
19 problem-solving skills with broad application must be
20 taught.

21 (13) Local educational agencies and State edu-
22 cational agencies often do not have the capacity to
23 provide support for school improvement strategies.
24 Successful models do exist for turning around low-
25 performing middle grades, and Federal support

1 should be provided to increase the capacity to apply
2 promising practices based on evidence from success-
3 ful schools.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **ESEA DEFINITIONS.**—The terms “elemen-
7 tary school”, “local educational agency”, “secondary
8 school”, and “State educational agency” have the
9 meanings given the terms in section 9101 of the Ele-
10 mentary and Secondary Education Act of 1965 (20
11 U.S.C. 7801).

12 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
13 ty” means a partnership that includes—

14 (A) not less than 1 eligible local edu-
15 cational agency; and

16 (B)(i) an institution of higher education;

17 (ii) an educational service agency (as de-
18 fined in section 9101 of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C.
20 7801)); or

21 (iii) a nonprofit organization with dem-
22 onstrated expertise in high quality middle
23 grades intervention.

24 (3) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—

25 The term “eligible local educational agency” means

1 a local educational agency that serves not less than
2 1 eligible school.

3 (4) ELIGIBLE SCHOOL.—The term “eligible
4 school” means an elementary or secondary school
5 that contains not less than 2 or more successive
6 grades beginning with grade 5 and ending with
7 grade 8 and for which—

8 (A) a high proportion of the middle grades
9 students attending such school go on to attend
10 a high school with a graduation rate of less
11 than 65 percent;

12 (B) more than 25 percent of the students
13 who finish grade 6 at such school, or the ear-
14 liest middle grade level at the school, exhibit 1
15 or more of the key risk factors and early risk
16 identification signs, including—

17 (i) student attendance below 90 per-
18 cent;

19 (ii) a failing grade in a mathematics
20 or reading or language arts course;

21 (iii) 2 failing grades in any courses;

22 and

23 (iv) out-of-school suspension or other
24 evidence of at-risk behavior; or

1 (C) more than 50 percent of the middle
2 grades students attending such school do not
3 perform at a proficient level on State student
4 academic assessments required under section
5 1111(b)(3) of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 6311(b)(3))
7 in mathematics or reading or language arts.

8 (5) INSTITUTION OF HIGHER EDUCATION.—The
9 term “institution of higher education” has the
10 meaning given the term in section 101 of the Higher
11 Education Act of 1965 (20 U.S.C. 1001).

12 (6) MIDDLE GRADES.—The term “middle
13 grades” means any of grades 5 through 8.

14 (7) SCIENTIFICALLY VALID.—The term “sci-
15 entifically valid” means the rationale, design, and in-
16 terpretation are soundly developed in accordance
17 with accepted principles of scientific research.

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of Education.

20 (9) STATE.—The term “State” means each of
21 the 50 States, the District of Columbia, and the
22 Commonwealth of Puerto Rico.

23 (10) STUDENT WITH A DISABILITY.—The term
24 “student with a disability” means a student who is
25 a child with a disability, as defined in section 602

1 of the Individuals with Disabilities Education Act
2 (20 U.S.C. 1401).

3 **TITLE I—MIDDLE GRADES**
4 **IMPROVEMENT**

5 **SEC. 101. PURPOSES.**

6 The purposes of this title are to—

7 (1) improve middle grades student academic
8 achievement and prepare students for rigorous high
9 school course work, postsecondary education, inde-
10 pendent living, and employment;

11 (2) ensure that curricula and student supports
12 for middle grades education align with the curricula
13 and student supports provided for elementary and
14 high school grades;

15 (3) provide resources to State educational agen-
16 cies and local educational agencies to collaboratively
17 develop school improvement plans in order to deliver
18 support and technical assistance to schools serving
19 students in the middle grades; and

20 (4) increase the capacity of States and local
21 educational agencies to develop effective, sustainable,
22 and replicable school improvement programs and
23 models and evidence-based or, when available, sci-
24 entifically valid student interventions for implemen-

1 tation by schools serving students in the middle
2 grades.

3 **SEC. 102. FORMULA GRANTS TO STATE EDUCATIONAL**
4 **AGENCIES FOR MIDDLE GRADES IMPROVE-**
5 **MENT.**

6 (a) IN GENERAL.—From amounts appropriated
7 under section 107, the Secretary shall make grants under
8 this title for a fiscal year to each State educational agency
9 for which the Secretary has approved an application under
10 subsection (f) in an amount equal to the allotment deter-
11 mined for such agency under subsection (c) for such fiscal
12 year.

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

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

20 (2) shall reserve 1 percent to evaluate the effec-
21 tiveness of this title in achieving the purposes of this
22 title and ensuring that results are peer-reviewed and
23 widely disseminated, which may include hiring an
24 outside evaluator; and

1 (3) shall reserve 5 percent for technical assist-
2 ance and dissemination of best practices in middle
3 grades education to States and local educational
4 agencies.

5 (c) AMOUNT OF STATE ALLOTMENTS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), of the total amount made available to
8 carry out this title for a fiscal year and not reserved
9 under subsection (b), the Secretary shall allot such
10 amount among the States in proportion to the num-
11 ber of children, aged 5 to 17, who reside within the
12 State and are from families with incomes below the
13 poverty line for the most recent fiscal year for which
14 satisfactory data are available, compared to the
15 number of such individuals who reside in all such
16 States for that fiscal year, determined in accordance
17 with section 1124(c)(1)(A) of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C.
19 6333(c)(1)(A)).

20 (2) MINIMUM ALLOTMENTS.—No State edu-
21 cational agency shall receive an allotment under this
22 subsection for a fiscal year that is less than $\frac{1}{2}$ of
23 1 percent of the amount made available to carry out
24 this title for such fiscal year.

1 (d) SPECIAL RULE.—For any fiscal year for which
2 the funds appropriated to carry out this title are less than
3 \$500,000,000, the Secretary is authorized to award grants
4 to State educational agencies, on a competitive basis, rather
5 than as allotments described in this section, to enable
6 such agencies to award subgrants under section 104 on
7 a competitive basis.

8 (e) REALLOTMENT.—

9 (1) FAILURE TO APPLY; APPLICATION NOT AP-
10 PROVED.—If any State educational agency does not
11 apply for an allotment under this title for a fiscal
12 year, or if the application from the State educational
13 agency is not approved, the Secretary shall reallocate
14 the amount of the State's allotment to the remaining
15 States in accordance with this section.

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

22 (f) APPLICATION.—In order to receive a grant under
23 this title, a State educational agency shall submit an appli-
24 cation to the Secretary at such time, in such manner, and
25 accompanied by such information as the Secretary may

1 reasonably require, including a State middle grades im-
2 provement plan described in section 103(a)(4).

3 (g) PEER REVIEW AND SELECTION.—The Sec-
4 retary—

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

8 (2) shall appoint individuals to participate in
9 the peer-review process who are educators and ex-
10 perts in identifying, evaluating, and implementing
11 effective education programs and practices (includ-
12 ing the areas of teaching and learning, educational
13 standards and assessments, school improvement, and
14 academic and behavioral supports for middle grades
15 students), which individuals may include recognized
16 exemplary middle grades teachers and middle grades
17 principals who have been recognized at the State or
18 national level for exemplary work or contributions to
19 the field;

20 (3) shall ensure that States are given the op-
21 portunity to receive timely feedback, and to interact
22 with peer-review panels, in person or via electronic
23 communication, on issues that need clarification dur-
24 ing the peer-review process;

1 (4) shall approve a State application submitted
2 under this title not later than 120 days after the
3 date of submission of the application unless the Sec-
4 retary determines that the application does not meet
5 the requirements of this title;

6 (5) may not decline to approve a State's appli-
7 cation before—

8 (A) offering the State an opportunity to
9 revise the State's application;

10 (B) providing the State with technical as-
11 sistance in order to submit a successful applica-
12 tion; and

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

14 (6) shall direct the Inspector General of the De-
15 partment of Education to—

16 (A) review final determinations reached by
17 the Secretary to approve or deny State applica-
18 tions;

19 (B) analyze the consistency of the process
20 used by peer-review panels in reviewing and rec-
21 ommending to the Secretary approval or denial
22 of such State applications; and

23 (C) report the findings of this review and
24 analysis to Congress.

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

2 (a) **MANDATORY ACTIVITIES.**—

3 (1) **IN GENERAL.**—A State educational agency
4 that receives a grant under this title shall use the
5 grant funds—

6 (A) to prepare and implement the needs
7 analysis and middle grades improvement plan,
8 as described in paragraphs (3) and (4), of such
9 agency;

10 (B) to make subgrants to eligible local
11 educational agencies or eligible entities under
12 section 104; and

13 (C) to assist eligible local educational agen-
14 cies and eligible entities, when determined nec-
15 essary by the State educational agency or at the
16 request of an eligible local educational agency
17 or eligible entity, in designing a comprehensive
18 schoolwide improvement plan and carrying out
19 the activities under section 104.

20 (2) **FUNDS FOR SUBGRANTS.**—A State edu-
21 cational agency that receives a grant under this title
22 shall use not less than 80 percent of the grant funds
23 to make subgrants to eligible local educational agen-
24 cies or eligible entities under section 104.

25 (3) **MIDDLE GRADES NEEDS ANALYSIS.**—

1 (A) IN GENERAL.—A State educational
2 agency that receives a grant under this title
3 shall enter into a contract, or similar formal
4 agreement, to work with entities such as na-
5 tional and regional comprehensive centers (as
6 described in section 203 of the Educational
7 Technical Assistance Act of 2002 (20 U.S.C.
8 9602)), institutions of higher education, or non-
9 profit organizations with demonstrated exper-
10 tise in high-quality middle grades reform, to
11 prepare a plan that analyzes how to strengthen
12 the programs, practices, and policies of the
13 State in supporting students in the middle
14 grades, including the factors, such as local im-
15 plementation, that influence variation in the ef-
16 fectiveness of such programs, practices, and
17 policies.

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

23 (i) middle grades curriculum instruc-
24 tion and assessment;

- 1 (ii) education accountability and data
2 systems;
- 3 (iii) teacher quality and equitable dis-
4 tribution; and
- 5 (iv) interventions that support learn-
6 ing in school.

7 (4) MIDDLE GRADES IMPROVEMENT PLAN.—

8 (A) IN GENERAL.—A State educational
9 agency that receives a grant under this title
10 shall develop a middle grades improvement plan
11 that—

12 (i) shall be a statewide plan to im-
13 prove student academic achievement in the
14 middle grades, based on the needs analysis
15 described in paragraph (3); and

16 (ii) describes what students are re-
17 quired to know and do to successfully—

18 (I) complete the middle grades;

19 and

20 (II) make the transition to suc-
21 ceed in academically rigorous high
22 school coursework that prepares stu-
23 dents for college, independent living,
24 and employment.

1 (B) PLAN COMPONENTS.—A middle grades
2 improvement plan described in subparagraph
3 (A) shall also describe how the State edu-
4 cational agency will do each of the following:

5 (i)(I) Ensure that the curricula and
6 assessments for middle grades education
7 are aligned with high school curricula and
8 assessments and prepare students to take
9 challenging high school courses and suc-
10 cessfully engage in postsecondary edu-
11 cation; and

12 (II) ensure coordination, where appli-
13 cable, with the activities carried out
14 through grants for P–16 education align-
15 ment under section 6401(c)(1) of the
16 America COMPETES Act (20 U.S.C.
17 9871(c)(1)).

18 (ii) Ensure that professional develop-
19 ment is provided to school leaders, teach-
20 ers, and other school personnel in—

21 (I) addressing the needs of di-
22 verse learners, including students with
23 disabilities and English language
24 learners;

1 (II) using challenging and rel-
2 evant research-based best practices
3 and curricula; and

4 (III) using data to inform in-
5 struction.

6 (iii) Identify and disseminate informa-
7 tion on effective schools and instructional
8 strategies for middle grades students based
9 on high-quality research.

10 (iv) Include specific provisions for stu-
11 dents most at risk of not graduating from
12 secondary school, including English lan-
13 guage learners and students with disabil-
14 ities.

15 (v) Provide technical assistance to eli-
16 gible entities to develop and implement
17 their early warning indicator and interven-
18 tion systems, as described in section
19 104(d)(2)(D).

20 (vi) Define a set of comprehensive
21 school performance indicators that shall be
22 used, in addition to the indicators used to
23 determine adequate yearly progress, as de-
24 fined in section 1111(b)(2)(C) of the Ele-
25 mentary and Secondary Education Act of

1 1965 (20 U.S.C. 6311(b)(2)(C)), to evalu-
2 ate school performance, and guide the
3 school improvement process, such as—

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

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

8 (III) percentage of students fail-
9 ing a mathematics, reading or lan-
10 guage arts, or science course, or fail-
11 ing 2 or more of any courses;

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

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

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

22 (vii) Ensure that such plan is coordi-
23 nated with State activities to turn around
24 other schools in need of improvement, in-

1 cluding State activities to improve high
2 schools and elementary schools.

3 (b) PERMISSIBLE ACTIVITIES.—A State educational
4 agency that receives a grant under this title may use the
5 grant funds to—

6 (1) develop and encourage collaborations among
7 researchers at institutions of higher education, State
8 educational agencies, educational service agencies
9 (as defined in section 9101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C.
11 7801)), local educational agencies, and nonprofit or-
12 ganizations with demonstrated expertise in high
13 quality middle grades interventions, to expand the
14 use of effective practices in the middle grades and
15 to improve middle grades education;

16 (2) support local educational agencies in imple-
17 menting effective middle grades practices, models,
18 and programs that—

19 (A) are evidence-based or, when available,
20 scientifically valid; and

21 (B) lead to improved student academic
22 achievement;

23 (3) support collaborative communities of middle
24 grades teachers, administrators, and researchers in
25 creating and sustaining informational databases to

1 disseminate results from rigorous research on effective practices and programs for middle grades education; and

2
3
4 (4) increase middle grades student support services, such as school counseling on the transition to high school and planning for entry into postsecondary education and the workforce.

8 **SEC. 104. COMPETITIVE SUBGRANTS TO IMPROVE LOW-**
9 **PERFORMING MIDDLE GRADES.**

10 (a) IN GENERAL.—A State educational agency that
11 receives a grant under this title shall make competitive
12 subgrants to eligible local educational agencies and eligible
13 entities to enable the eligible local educational agencies
14 and eligible entities to improve low-performing middle
15 grades in schools served by the agencies or entities.

16 (b) PRIORITIES.—In making subgrants under subsection (a), a State educational agency shall give priority
17 to eligible local educational agencies or eligible entities
18 based on—

20 (1) the respective populations of children described in section 102(c)(1) served by the eligible
21 local educational agencies participating in the
22 subgrant application process; and
23

1 (2) the respective populations of children served
2 by the participating eligible local educational agen-
3 cies who attend eligible schools.

4 (c) APPLICATION.—An eligible local educational
5 agency or eligible entity that desires to receive a subgrant
6 under subsection (a) shall submit an application to the
7 State educational agency at such time, in such manner,
8 and accompanied by such information as the State edu-
9 cational agency may reasonably require, including—

10 (1) a comprehensive schoolwide improvement
11 plan described in subsection (d);

12 (2) a description of how activities described in
13 such plan will be coordinated with activities specified
14 in plans for schoolwide programs under section 1114
15 of the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6314) and school improvement
17 plans required under section 1116(b)(3) of such Act
18 (20 U.S.C. 6316(b)(3)); and

19 (3) a description of how activities described in
20 such plan will be complementary to, and coordinated
21 with, school improvement activities for elementary
22 schools and high schools in need of improvement
23 that serve the same students within the participating
24 local educational agency.

1 (d) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT
2 PLAN.—An eligible local educational agency or eligible en-
3 tity that desires to receive a subgrant under subsection
4 (a) shall develop a comprehensive schoolwide improvement
5 plan for the middle grades that shall—

6 (1) include the information described in sub-
7 section (c)(2);

8 (2) describe how the eligible local educational
9 agency or eligible entity will—

10 (A) identify eligible schools;

11 (B) ensure that funds go to the highest
12 priority eligible schools first, based on the eligi-
13 ble schools' populations of children described in
14 section 102(c)(1);

15 (C) use funds to improve the academic
16 achievement of all students, including English
17 language learners and students with disabilities,
18 in eligible schools;

19 (D) implement an early warning indicator
20 and intervention system to alert schools when
21 students begin to exhibit outcomes or behaviors
22 that indicate the student is at increased risk for
23 low academic achievement or is unlikely to
24 progress to secondary school graduation, and to
25 create a system of evidence-based interventions

1 to be used by schools to effectively intervene,
2 by—

3 (i) identifying and analyzing, such as
4 through the use of longitudinal data of
5 past cohorts of students, the academic and
6 behavioral indicators in the middle grades
7 that most reliably predict dropping out of
8 high school, such as attendance, behavior
9 measures (including suspensions, officer
10 referrals, or conduct marks), academic per-
11 formance in core courses, and earned on-
12 time promotion from grade-to-grade;

13 (ii) analyzing student progress and
14 performance on the indicators identified
15 under clause (i) to guide decisionmaking;

16 (iii) analyzing academic indicators to
17 determine whether students are on track to
18 graduate on time, and developing appro-
19 priate evidence-based intervention; and

20 (iv) identifying or developing a mecha-
21 nism for regularly collecting and report-
22 ing—

23 (I) student-level data on the indi-
24 cators identified under clause (i);

1 (II) student-level progress and
2 performance, as described in clause
3 (ii);

4 (III) student-level data on the in-
5 dicators described in clause (iii); and

6 (IV) information about the im-
7 pact of interventions on student out-
8 comes and progress;

9 (E) increase academic rigor and foster stu-
10 dent engagement to ensure students are enter-
11 ing high school prepared for success in a rig-
12 orous college-ready curriculum, including a de-
13 scription of how such readiness will be meas-
14 ured;

15 (F) implement a systemic transition plan
16 for all students and encourage collaboration
17 among elementary grades, middle grades, and
18 high school grades; and

19 (G) provide evidence that the strategies,
20 programs, supports, and instructional practices
21 proposed under the schoolwide improvement
22 plan are new and have not been implemented
23 before by the eligible local educational agency
24 or eligible entity; and

1 (3) provide evidence of an ongoing commitment
2 to sustain the plan for a period of not less than 4
3 years.

4 (e) REVIEW AND SELECTION OF SUBGRANTS.—In
5 making subgrants under subsection (a), the State edu-
6 cational agency shall—

7 (1) establish a peer-review process to assist in
8 the review and approval of applications under sub-
9 section (c); and

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

21 (f) REVISION OF SUBGRANTS.—If a State edu-
22 cational agency, using the peer-review process described
23 in subsection (e), determines that an application for a
24 grant under subsection (a) does not meet the requirements
25 of this title, the State educational agency shall notify the

1 eligible local educational agency or eligible entity of such
2 determination and the reasons for such determination, and
3 offer—

4 (1) the eligible local educational agency or eligi-
5 ble entity an opportunity to revise and resubmit the
6 application; and

7 (2) technical assistance to the eligible local edu-
8 cational agency or eligible entity, by the State edu-
9 cational agency or a nonprofit organization with
10 demonstrated expertise in high quality middle grades
11 interventions, to revise the application.

12 (g) MANDATORY USES OF FUNDS.—An eligible local
13 educational agency or eligible entity that receives a
14 subgrant under subsection (a) shall carry out the fol-
15 lowing:

16 (1) Align the curricula for grades kindergarten
17 through 12 for schools within the local educational
18 agency to improve transitions from elementary
19 grades to middle grades to high school grades.

20 (2) In each eligible school served by the eligible
21 local educational agency receiving or participating in
22 the subgrant:

23 (A) Align the curricula for all grade levels
24 within eligible schools to improve grade to grade
25 transitions.

1 (B) Implement evidence-based or, when
2 available, scientifically valid instructional strate-
3 gies, programs, and learning environments that
4 meet the needs of all students and ensure that
5 school leaders and teachers receive professional
6 development on the use of these strategies.

7 (C) Ensure that school leaders, teachers,
8 pupil service personnel, and other school staff
9 understand the developmental stages of adoles-
10 cents in the middle grades and how to deal with
11 those stages appropriately in an educational
12 setting.

13 (D) Implement organizational practices
14 and school schedules that allow for effective
15 leadership, collaborative staff participation, ef-
16 fective teacher teaming, and parent and com-
17 munity involvement.

18 (E) Create a more personalized and engag-
19 ing learning environment for middle grades stu-
20 dents by developing a personal academic plan
21 for each student and assigning not less than 1
22 adult to help monitor student progress.

23 (F) Provide all students with information
24 and assistance about the requirements for high

1 school graduation, college admission, and career
2 success.

3 (G) Utilize data from an early warning in-
4 dicator and intervention system described in
5 subsection (d)(2)(D) to identify struggling stu-
6 dents and assist the students as the students
7 transition from elementary school to middle
8 grades to high school.

9 (H) Implement academic supports and ef-
10 fective and coordinated additional assistance
11 programs to ensure that students have a strong
12 foundation in reading, writing, mathematics,
13 and science skills.

14 (I) Implement evidence-based or, when
15 available, scientifically valid schoolwide pro-
16 grams and targeted supports to promote posi-
17 tive academic outcomes, such as increased at-
18 tendance rates and the promotion of physical,
19 personal, and social development.

20 (J) Develop and use effective formative as-
21 sessments to inform instruction.

22 (h) PERMISSIBLE USES OF FUNDS.—An eligible local
23 educational agency or eligible entity that receives a
24 subgrant under subsection (a) may use the subgrant funds
25 to carry out the following:

1 (1) Implement extended learning opportunities
2 in core academic areas including more instructional
3 time in literacy, mathematics, science, history, and
4 civics in addition to opportunities for language in-
5 struction and understanding other cultures and the
6 arts.

7 (2) Provide evidence-based professional develop-
8 ment activities with specific benchmarks to enable
9 teachers and other school staff to appropriately
10 monitor academic and behavioral progress of, and
11 modify curricula and implement accommodations
12 and assistive technology services for, students with
13 disabilities, consistent with the students' individual-
14 ized education programs under section 614(d) of the
15 Individuals with Disabilities Education Act (20
16 U.S.C. 1414(d)).

17 (3) Employ and use instructional coaches, in-
18 cluding literacy, mathematics, and English language
19 learner coaches.

20 (4) Provide professional development for con-
21 tent-area teachers on working effectively with
22 English language learners and students with disabil-
23 ities, as well as professional development for English
24 as a second language educators, bilingual educators,
25 and special education personnel.

1 (5) Encourage and facilitate the sharing of data
2 among elementary grades, middle grades, high
3 school grades, and postsecondary educational institu-
4 tions.

5 (6) Create collaborative study groups composed
6 of principals or middle grades teachers, or both,
7 among eligible schools within the eligible local edu-
8 cational agency receiving or participating in the
9 subgrant, or between such eligible local educational
10 agency and another local educational agency, with a
11 focus on developing and sharing methods to increase
12 student learning and academic achievement.

13 (i) PLANNING SUBGRANTS.—

14 (1) IN GENERAL.—In addition to the subgrants
15 described in subsection (a), a State educational
16 agency may (without regard to the preceding provi-
17 sions of this section) make planning subgrants, and
18 provide technical assistance, to eligible local edu-
19 cational agencies and eligible entities that have not
20 received a subgrant under subsection (a) to assist
21 the local educational agencies and eligible entities in
22 meeting the requirements of subsections (c) and (d).

23 (2) AMOUNT AND DURATION.—Each subgrant
24 under this subsection shall be in an amount of not

1 more than \$100,000 and shall be for a period of not
2 more than 1 year in duration.

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 under this title and subgrants
8 under section 104(a) may not exceed 3 years in du-
9 ration.

10 (2) RENEWALS.—

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

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

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

22 (ii) during the period of the grant or
23 subgrant, there has been significant
24 progress in—

1 (I) student academic achieve-
2 ment, as measured by the annual
3 measurable objectives established pur-
4 suant to section 1111(b)(2)(C)(v) of
5 the Elementary and Secondary Edu-
6 cation Act (20 U.S.C.
7 6311(b)(2)(C)(v)); and

8 (II) other key risk factors such
9 as attendance and on-time promotion.

10 (b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
11 PLANT, NON-FEDERAL FUNDS.—

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

20 (2) SPECIAL RULE.—Nothing in this title shall
21 be construed to authorize an officer, employee, or
22 contractor of the Federal Government to mandate,
23 direct, limit, or control a State, local educational
24 agency, or school's specific instructional content,

1 academic achievement standards and assessments,
2 curriculum, or program of instruction.

3 **SEC. 106. EVALUATION AND REPORTING.**

4 (a) EVALUATION.—Not later than 180 days after the
5 date of enactment of this Act, and annually thereafter for
6 the period of the grant, each State receiving a grant under
7 this title shall—

8 (1) conduct an evaluation of the State's
9 progress regarding the impact of the changes made
10 to the policies and practices of the State in accord-
11 ance with this title, including—

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

15 (B) a discussion of any barriers hindering
16 the identified changes in policies and practices,
17 and implementations strategies to overcome
18 such barriers;

19 (C) evidence of the impact of changes to
20 policies and practices on behavior and actions
21 at the local educational agency and school level;
22 and

23 (D) evidence of the impact of the changes
24 to State and local policies and practices on im-

1 proving measurable learning gains by middle
2 grades students;

3 (2) use the results of the evaluation conducted
4 under paragraph (1) to adjust the policies and prac-
5 tices of the State as necessary to achieve the pur-
6 poses of this title; and

7 (3) submit the results of the evaluation to the
8 Secretary.

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

12 (c) LOCAL EDUCATIONAL AGENCY REPORTING.—On
13 an annual basis, each eligible local educational agency and
14 eligible entity receiving a subgrant under section 104(a)
15 shall report to the State educational agency and to the
16 public on—

17 (1) the performance on the school performance
18 indicators (as described in section 103(a)(4)(B)(vi))
19 for each eligible school served by the eligible local
20 educational agency or eligible entity, in the aggre-
21 gate and disaggregated by the subgroups described
22 in section 1111(b)(2)(C)(v)(II) of the Elementary
23 and Secondary Education Act of 1965 (20 U.S.C.
24 6311(b)(2)(C)(v)(II)); and

1 (2) the use of funds by the eligible local edu-
2 cational agency or eligible entity and each such
3 school.

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

8 (1) the performance of eligible schools in the
9 State, based on the school performance indicators
10 described in section 103(a)(4)(B)(vi), in the aggre-
11 gate and disaggregated by the subgroups described
12 in section 1111(b)(2)(C)(v)(II) of the Elementary
13 and Secondary Education Act of 1965 (20 U.S.C.
14 6311(b)(2)(C)(v)(II)); and

15 (2) the use of the funds by each eligible local
16 educational agency in the State and by each eligible
17 school.

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

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

22 (2) the use of funds by each State under this
23 title.

1 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this title \$1,000,000,000 for fiscal year 2010 and such
4 sums as may be necessary for each of the 5 succeeding
5 fiscal years.

6 **TITLE II—RESEARCH**
7 **RECOMMENDATIONS**

8 **SEC. 201. PURPOSE.**

9 The purpose of this title is to facilitate the genera-
10 tion, dissemination, and application of research needed to
11 identify and implement effective practices that lead to con-
12 tinual student learning and high academic achievement in
13 the middle grades.

14 **SEC. 202. RESEARCH RECOMMENDATIONS.**

15 (a) **STUDY ON PROMISING PRACTICES.—**

16 (1) **IN GENERAL.—**Not later than 60 days after
17 the date of enactment of this Act, the Secretary
18 shall enter into a contract with the Center for Edu-
19 cation of the National Academies to study and iden-
20 tify promising practices for the improvement of mid-
21 dle grades education.

22 (2) **CONTENT OF STUDY.—**The study described
23 in paragraph (1) shall identify promising practices
24 currently being implemented for the improvement of
25 middle grades education. The study shall be con-
26 ducted in an open and transparent way that provides

1 interim information to the public about criteria
2 being used to identify—

3 (A) promising practices;

4 (B) the practices that are being consid-
5 ered; and

6 (C) the kind of evidence needed to docu-
7 ment effectiveness.

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

18 (4) PUBLICATION.—The Secretary shall make
19 public and post on the website of the Department of
20 Education the findings of the study conducted under
21 this subsection.

22 (b) SYNTHESIS STUDY OF EFFECTIVE TEACHING
23 AND LEARNING IN MIDDLE GRADES.—

24 (1) IN GENERAL.—Not later than 60 days after
25 the date of enactment of this Act, the Secretary

1 shall enter into a contract with the Center for Edu-
2 cation of the National Academies to review existing
3 research on middle grades education, and on factors
4 that might lead to increased effectiveness and en-
5 hanced innovation in middle grades education.

6 (2) CONTENT OF STUDY.—The study described
7 in paragraph (1) shall review research on education
8 programs, practices, and policies, as well as research
9 on the cognitive, social, and emotional development
10 of children in the middle grades age range, in order
11 to provide an enriched understanding of the factors
12 that might lead to the development of innovative and
13 effective middle grades programs, practices, and
14 policies. The study shall focus on—

15 (A) the areas of curriculum, instruction,
16 and assessment (including additional supports
17 for students who are below grade level in read-
18 ing, writing, mathematics, and science, and the
19 identification of students with disabilities) to
20 better prepare all students for subsequent suc-
21 cess in high school, college, and cognitively chal-
22 lenging employment;

23 (B) the quality of, and supports for, the
24 teacher workforce;

1 (C) aspects of student behavioral and so-
2 cial development, and of social interactions
3 within schools that affect the learning of aca-
4 demic content;

5 (D) the ways in which schools and local
6 educational agencies are organized and operated
7 that may be linked to student outcomes;

8 (E) how development and use of early
9 warning indicator and intervention systems can
10 reduce risk factors for dropping out of school
11 and low academic achievement; and

12 (F) identification of areas where further
13 research and evaluation may be needed on these
14 topics to further the development of effective
15 middle grades practices.

16 (3) REPORT.—The contract entered into pursu-
17 ant to this subsection shall require that the Center
18 for Education of the National Academies submit to
19 the Secretary, the Committee on Health, Education,
20 Labor, and Pensions of the Senate, and the Com-
21 mittee on Education and Labor of the House of
22 Representatives a final report regarding the study
23 conducted under this subsection not later than 2
24 years after the date of commencement of the con-
25 tract.

1 (4) PUBLICATION.—The Secretary shall make
2 public and post on the website of the Department of
3 Education the findings of the study conducted under
4 this subsection.

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

7 (1) Create a national clearinghouse, in coordi-
8 nation with entities such as What Works and the
9 Doing What Works Clearinghouses, for research in
10 best practices in the middle grades and in the ap-
11 proaches that successfully take those best practices
12 to scale in schools and local educational agencies.

13 (2) Create a national middle grades database
14 accessible to educational researchers, practitioners,
15 and policymakers that identifies school, classroom,
16 and system-level factors that facilitate or impede
17 student academic achievement in the middle grades.

18 (3) Require the Institute of Education Sciences
19 to develop a strand of field-initiated and scientif-
20 ically valid research designed to enhance perform-
21 ance of schools serving middle grades students, and
22 of middle grades students who are most at risk of
23 educational failure, which may be coordinated with
24 the regional educational laboratories established
25 under section 174 of the Education Sciences Reform

1 Act of 2002 (20 U.S.C. 9564), institutions of higher
2 education, agencies recognized for their research
3 work that has been published in peer-reviewed jour-
4 nals, and organizations that have such regional edu-
5 cational laboratories. Such research shall target spe-
6 cific issues such as—

7 (A) effective practices for instruction and
8 assessment in mathematics, science, technology,
9 and literacy;

10 (B) academic interventions for adolescent
11 English language learners;

12 (C) school improvement programs and
13 strategies for closing the academic achievement
14 gap;

15 (D) evidence-based or, when available, sci-
16 entifically valid professional development plan-
17 ning targeted to improve pedagogy and student
18 academic achievement;

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

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

23 (4) Strengthen the work of the existing national
24 research and development centers under section
25 133(c) of the Education Sciences Reform Act of

1 2002 (20 U.S.C. 9533(c)), as of the date of enact-
2 ment of this Act, by adding an educational research
3 and development center dedicated to addressing—

4 (A) curricular, instructional, and assess-
5 ment issues pertinent to the middle grades
6 (such as mathematics, science, technological flu-
7 ency, the needs of English language learners,
8 and students with disabilities);

9 (B) comprehensive reforms for low-per-
10 forming middle grades; and

11 (C) other topics pertinent to improving the
12 academic achievement of middle grades stu-
13 dents.

14 (5) Provide grants to nonprofit organizations,
15 for-profit organizations, institutions of higher edu-
16 cation, and others to partner with State educational
17 agencies and local educational agencies to develop,
18 adapt, or replicate effective models for turning
19 around low-performing middle grades.

20 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
21 **TIONS.**

22 (a) AUTHORIZATION.—There are authorized to be ap-
23 propriated to carry out this title \$100,000,000 for fiscal
24 year 2010 and such sums as may be necessary for each
25 of the 5 succeeding fiscal years.

1 (b) RESERVATIONS.—From the total amount made
2 available to carry out this title, the Secretary shall re-
3 serve—

4 (1) 2.5 percent for the studies described in sub-
5 sections (a) and (b) of section 202;

6 (2) 5 percent for the clearinghouse described in
7 section 202(c)(1);

8 (3) 5 percent for the database described in sec-
9 tion 202(c)(2);

10 (4) 42.5 percent for the activities described in
11 section 202(c)(3);

12 (5) 15 percent for the activities described in
13 section 202(c)(4); and

14 (6) 30 percent for the activities described in
15 section 202(c)(5).

○