

112TH CONGRESS
1ST SESSION

H. R. 1547

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 secondary 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 HOUSE OF REPRESENTATIVES

APRIL 14, 2011

Mr. GRIJALVA (for himself, Ms. MCCOLLUM, Mr. HOLT, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 secondary 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 2011”.

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 3 percent of such students
15 who are English language learners, can read with
16 proficiency, according to the 2009 National Assess-
17 ment on Educational Progress (NAEP). The per-
18 centage of eighth grade students proficient at read-
19 ing, and the average reading score for eighth grade
20 students, have remained static. In contrast, NAEP
21 reading scores and achievement levels for fourth
22 grade students have increased significantly.

23 (3) In mathematics, just over $\frac{1}{3}$ of students in
24 eighth grade show skills at the NAEP proficient
25 level, and nearly 30 percent score below the basic

1 level. The percentage of eighth grade students scor-
2 ing above the basic level was 10 points higher in
3 2009 than in 2000, but for fourth grade students,
4 the percentage increased 17 points, more than dou-
5 ble the increase for middle grades students. In
6 eighth grade, the gaps between the average mathe-
7 matics scores of White and Black students and be-
8 tween White and Hispanic students were approxi-
9 mately as wide in 2009 as in 1990.

10 (4) Fewer than 1 in 4 of the students who
11 graduate from secondary school meet, as eighth
12 graders, all 4 of ACT's EXPLORE College Readiness
13 Benchmarks, the minimum level of achievement
14 that ACT has shown is necessary if students are to
15 be college- and career-ready upon their graduation
16 from secondary school.

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

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

1 complete secondary school and 86 percent antici-
2 pating that they will attend an institution of higher
3 education.

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

13 (8) Student transitions from elementary school
14 to the middle grades and to secondary school are
15 often complicated by poor curriculum alignment, in-
16 adequate counseling services, and unsatisfactory
17 sharing of student performance and academic
18 achievement data between grades.

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

1 (10) Schools that serve children in the middle
2 grades are almost twice as likely as elementary
3 schools to be identified for improvement, corrective
4 action, or restructuring (22 percent as compared to
5 13 percent) under section 1116 of the Elementary
6 and Secondary Education Act of 1965 (20 U.S.C.
7 6316).

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

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

24 (13) Local educational agencies and State edu-
25 cational agencies often do not have the capacity to

1 provide support for school improvement strategies.
2 Successful models do exist for turning around low-
3 performing middle grades, and Federal support
4 should be provided to increase the capacity to apply
5 promising practices based on evidence from success-
6 ful schools.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

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

15 (2) DIGITAL LITERACY SKILLS.—The term
16 “digital literacy skills” has the meaning given the
17 term in section 202 of the Museum and Library
18 Services Act (20 U.S.C. 9101).

19 (3) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means a partnership that includes—

21 (A) not less than 1 eligible local edu-
22 cational agency; and

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

24 (ii) an educational service agency (as de-
25 fined in section 9101 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 7801)); or

3 (iii) a nonprofit organization with dem-
4 onstrated expertise in high quality middle
5 grades intervention.

6 (4) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
7 The term “eligible local educational agency” means
8 a local educational agency that serves not less than
9 1 eligible school.

10 (5) ELIGIBLE SCHOOL.—The term “eligible
11 school” means an elementary or secondary school
12 that contains not less than 2 or more successive
13 grades beginning with grade 5 and ending with
14 grade 8 and for which—

15 (A) a high proportion of the middle grades
16 students attending such school go on to attend
17 a secondary school with a graduation rate of
18 less than 65 percent;

19 (B) more than 25 percent of the students
20 who finish grade 6 at such school, or the ear-
21 liest middle grade level at the school, exhibit 1
22 or more of the key risk factors and early risk
23 identification signs, including—

24 (i) student attendance below 90 per-
25 cent;

1 (ii) a failing grade in a mathematics
2 or reading or language arts course;

3 (iii) 2 failing grades in any courses;
4 and

5 (iv) out-of-school suspension or other
6 evidence of at-risk behavior; or

7 (C) more than 50 percent of the middle
8 grades students attending such school do not
9 perform at a proficient level on State student
10 academic assessments required under section
11 1111(b)(3) of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 6311(b)(3))
13 in mathematics or reading or language arts.

14 (6) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given the term in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001).

18 (7) MIDDLE GRADES.—The term “middle
19 grades” means any of grades 5 through 8.

20 (8) PRINCIPLES OF SCIENTIFIC RESEARCH.—
21 The term “principles of scientific research” has the
22 meaning given the term in section 200 of the Higher
23 Education Act of 1965 (20 U.S.C. 1021).

24 (9) SCIENTIFICALLY VALID RESEARCH.—The
25 term “scientifically valid research” has the meaning

1 given the term in section 200 of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1021).

3 (10) SECRETARY.—The term “Secretary”
4 means the Secretary of Education.

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

8 (12) STUDENT WITH A DISABILITY.—The term
9 “student with a disability” means a student who is
10 a child with a disability, as defined in section 602
11 of the Individuals with Disabilities Education Act
12 (20 U.S.C. 1401).

13 **TITLE I—MIDDLE GRADES** 14 **IMPROVEMENT**

15 **SEC. 101. PURPOSES.**

16 The purposes of this title are to—

17 (1) improve middle grades student academic
18 achievement and prepare students for rigorous sec-
19 ondary school course work, postsecondary education,
20 independent living, and employment;

21 (2) ensure that curricula and student supports
22 for middle grades education align with the curricula
23 and student supports provided for elementary and
24 secondary school grades;

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

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

13 **SEC. 102. FORMULA GRANTS TO STATE EDUCATIONAL**
14 **AGENCIES FOR MIDDLE GRADES IMPROVE-**
15 **MENT.**

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

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

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

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

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

14 (c) AMOUNT OF STATE ALLOTMENTS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), of the total amount made available to
17 carry out this title for a fiscal year and not reserved
18 under subsection (b), the Secretary shall allot such
19 amount among the States in proportion to the num-
20 ber of children, aged 5 to 17, who reside within the
21 State and are from families with incomes below the
22 poverty line for the most recent fiscal year for which
23 satisfactory data are available, compared to the
24 number of such individuals who reside in all such
25 States for that fiscal year, determined in accordance

1 with section 1124(c)(1)(A) of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C.
3 6333(c)(1)(A)).

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

9 (d) SPECIAL RULE.—For any fiscal year for which
10 the funds appropriated to carry out this title are less than
11 \$500,000,000, the Secretary is authorized to award grants
12 to State educational agencies, on a competitive basis, rath-
13 er than as allotments described in this section, to enable
14 such agencies to award subgrants under section 104 on
15 a competitive basis.

16 (e) REALLOTMENT.—

17 (1) FAILURE TO APPLY; APPLICATION NOT AP-
18 PROVED.—If any State educational agency does not
19 apply for an allotment under this title for a fiscal
20 year, or if the application from the State educational
21 agency is not approved, the Secretary shall reallocate
22 the amount of the State's allotment to the remaining
23 States in accordance with this section.

24 (2) UNUSED FUNDS.—The Secretary may
25 reallocate any amount of an allotment to a State if the

1 Secretary determines that the State will be unable to
2 use such amount within 2 years of such allotment.
3 Such reallocations shall be made on the same basis
4 as allotments are made under subsection (c).

5 (f) APPLICATION.—In order to receive a grant under
6 this title, a State educational agency shall submit an appli-
7 cation to the Secretary at such time, in such manner, and
8 accompanied by such information as the Secretary may
9 reasonably require, including a State middle grades im-
10 provement plan described in section 103(a)(4).

11 (g) PEER REVIEW AND SELECTION.—The Sec-
12 retary—

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

16 (2) shall appoint individuals to participate in
17 the peer-review process who are educators and ex-
18 perts in identifying, evaluating, and implementing
19 effective education programs and practices (includ-
20 ing in the areas of teaching and learning, edu-
21 cational standards and assessments, school improve-
22 ment, and academic and behavioral supports for
23 middle grades students, and in addressing the needs
24 of students with disabilities and English language
25 learners in the middle grades), which individuals

1 may include recognized exemplary middle grades
2 teachers and middle grades principals who have been
3 recognized at the State or national level for exem-
4 plary work or contributions to the field;

5 (3) shall ensure that States are given the op-
6 portunity to receive timely feedback, and to interact
7 with peer-review panels, in person or via electronic
8 communication, on issues that need clarification dur-
9 ing the peer-review process;

10 (4) shall approve a State application submitted
11 under this title not later than 120 days after the
12 date of submission of the application unless the Sec-
13 retary determines that the application does not meet
14 the requirements of this title;

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

17 (A) offering the State an opportunity to
18 revise the State's application;

19 (B) providing the State with technical as-
20 sistance in order to submit a successful applica-
21 tion; and

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

23 (6) shall direct the Inspector General of the De-
24 partment of Education to—

1 (A) review final determinations reached by
2 the Secretary to approve or deny State applica-
3 tions;

4 (B) analyze the consistency of the process
5 used by peer-review panels in reviewing and rec-
6 ommending to the Secretary approval or denial
7 of such State applications; and

8 (C) report the findings of this review and
9 analysis to Congress.

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

11 (a) MANDATORY ACTIVITIES.—

12 (1) IN GENERAL.—A State educational agency
13 that receives a grant under this title shall use the
14 grant funds—

15 (A) to prepare and implement the needs
16 analysis and middle grades improvement plan,
17 as described in paragraphs (3) and (4), of such
18 agency;

19 (B) to make subgrants to eligible local
20 educational agencies or eligible entities under
21 section 104; and

22 (C) to assist eligible local educational agen-
23 cies and eligible entities, when determined nec-
24 essary by the State educational agency or at the
25 request of an eligible local educational agency

1 or eligible entity, in designing a comprehensive
2 schoolwide improvement plan and carrying out
3 the activities under section 104.

4 (2) FUNDS FOR SUBGRANTS.—A State edu-
5 cational agency that receives a grant under this title
6 shall use not less than 80 percent of the grant funds
7 to make subgrants to eligible local educational agen-
8 cies or eligible entities under section 104.

9 (3) MIDDLE GRADES NEEDS ANALYSIS.—

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

1 fectiveness of such programs, practices, and
2 policies.

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

8 (i) middle grades curriculum instruc-
9 tion and assessment;

10 (ii) education accountability and data
11 systems;

12 (iii) teacher quality and equitable dis-
13 tribution;

14 (iv) interventions that support learn-
15 ing in school;

16 (v) family and community engagement
17 in education; and

18 (vi) student and academic support
19 services, such as effective school library
20 programs and school counseling on the
21 transition to secondary school and plan-
22 ning for entry into postsecondary edu-
23 cation and the workforce.

24 (4) MIDDLE GRADES IMPROVEMENT PLAN.—

1 (A) IN GENERAL.—A State educational
2 agency that receives a grant under this title
3 shall develop a middle grades improvement plan
4 that—

5 (i) shall be a statewide plan to im-
6 prove student academic achievement in the
7 middle grades, based on the needs analysis
8 described in paragraph (3); and

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

11 (I) complete the middle grades;

12 and

13 (II) make the transition to suc-
14 ceed in academically rigorous sec-
15 ondary school coursework that pre-
16 pares students for postsecondary edu-
17 cation, independent living, and em-
18 ployment.

19 (B) PLAN COMPONENTS.—A middle grades
20 improvement plan described in subparagraph
21 (A) shall also describe how the State edu-
22 cational agency will do each of the following:

23 (i) Ensure—

24 (I) that the curricula and assess-
25 ments for middle grades education are

1 aligned with secondary school cur-
2 ricula and assessments and prepare
3 students to take challenging secondary
4 school courses and successfully engage
5 in postsecondary education; and

6 (II) coordination, where applica-
7 ble, with the activities carried out
8 through grants for P-16 education
9 alignment under section 6201(c)(1) of
10 the America COMPETES Act.

11 (ii) Ensure that professional develop-
12 ment is provided to school leaders, teach-
13 ers, and other school personnel in—

14 (I) addressing the needs of di-
15 verse learners, including students with
16 disabilities and English language
17 learners;

18 (II) using challenging and rel-
19 evant research-based best practices
20 and curricula; and

21 (III) using data to inform in-
22 struction.

23 (iii) Identify and disseminate informa-
24 tion on effective schools and instructional

1 strategies for middle grades students based
2 on high-quality research.

3 (iv) Include specific provisions for stu-
4 dents most at risk of not graduating from
5 secondary school, including English lan-
6 guage learners and students with disabil-
7 ities.

8 (v) Provide technical assistance to eli-
9 gible entities to develop and implement
10 their early warning indicator and interven-
11 tion systems, as described in section
12 104(d)(2)(D).

13 (vi) Define a set of comprehensive
14 school performance indicators that shall be
15 used, in addition to the indicators used to
16 determine adequate yearly progress, as de-
17 fined in section 1111(b)(2)(C) of the Ele-
18 mentary and Secondary Education Act of
19 1965 (20 U.S.C. 6311(b)(2)(C)), to evalu-
20 ate school performance, and guide the
21 school improvement process, such as—

22 (I) student attendance and ab-
23 senteeism;

24 (II) earned on-time promotion
25 rates from grade to grade;

1 (III) percentage of students fail-
2 ing a mathematics, reading or lan-
3 guage arts, or science course, or fail-
4 ing 2 or more of any courses;

5 (IV) teacher quality and attend-
6 ance measures;

7 (V) in-school and out-of-school
8 suspension or other measurable evi-
9 dence of at-risk behavior; and

10 (VI) additional indicators pro-
11 posed by the State educational agen-
12 cy, and approved by the Secretary
13 pursuant to the peer-review process
14 described in section 102(g).

15 (vii) Ensure that such plan is coordi-
16 nated with State activities to turn around
17 other schools in need of improvement, in-
18 cluding State activities to improve sec-
19 ondary schools and elementary schools.

20 (b) PERMISSIBLE ACTIVITIES.—A State educational
21 agency that receives a grant under this title may use the
22 grant funds to—

23 (1) develop and encourage collaborations among
24 researchers at institutions of higher education, State
25 educational agencies, educational service agencies

1 (as defined in section 9101 of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C.
3 7801)), local educational agencies, and nonprofit or-
4 ganizations with demonstrated expertise in high
5 quality middle grades interventions, to expand the
6 use of effective practices in the middle grades and
7 to improve middle grades education;

8 (2) support local educational agencies in imple-
9 menting effective middle grades practices, models,
10 and programs that—

11 (A) are evidence-based or, when available,
12 scientifically valid; and

13 (B) lead to improved student academic
14 achievement;

15 (3) support collaborative communities of middle
16 grades teachers, administrators, school librarians,
17 and researchers in creating and sustaining informa-
18 tional databases to disseminate results from rigorous
19 research on effective practices and programs for
20 middle grades education; and

21 (4) increase middle grades student and aca-
22 demic support services, such as effective school li-
23 brary programs and school counseling on the transi-
24 tion to secondary school and planning for entry into
25 postsecondary education and the workforce.

1 **SEC. 104. COMPETITIVE SUBGRANTS TO IMPROVE LOW-**
2 **PERFORMING MIDDLE GRADES.**

3 (a) IN GENERAL.—A State educational agency that
4 receives a grant under this title shall make competitive
5 subgrants to eligible local educational agencies and eligible
6 entities to enable the eligible local educational agencies
7 and eligible entities to improve low-performing middle
8 grades in schools served by the agencies or entities.

9 (b) PRIORITIES.—In making subgrants under sub-
10 section (a), a State educational agency shall give priority
11 to eligible local educational agencies or eligible entities
12 based on—

13 (1) the respective populations of children de-
14 scribed in section 102(c)(1) served by the eligible
15 local educational agencies participating in the
16 subgrant application process; and

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

20 (c) APPLICATION.—An eligible local educational
21 agency or eligible entity that desires to receive a subgrant
22 under subsection (a) shall submit an application to the
23 State educational agency at such time, in such manner,
24 and accompanied by such information as the State edu-
25 cational agency may reasonably require, including—

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

3 (2) a description of how activities described in
4 such plan will be coordinated with activities specified
5 in plans for schoolwide programs under section 1114
6 of the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 6314) and school improvement
8 plans required under section 1116(b)(3) of such Act
9 (20 U.S.C. 6316(b)(3)); and

10 (3) a description of how activities described in
11 such plan will be complementary to, and coordinated
12 with, school improvement activities for elementary
13 schools and secondary schools in need of improve-
14 ment that serve the same students within the par-
15 ticipating local educational agency.

16 (d) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT
17 PLAN.—An eligible local educational agency or eligible en-
18 tity that desires to receive a subgrant under subsection
19 (a) shall develop a comprehensive schoolwide improvement
20 plan for the middle grades that shall—

21 (1) include the information described in sub-
22 section (c)(2);

23 (2) describe how the eligible local educational
24 agency or eligible entity will—

25 (A) identify eligible schools;

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

5 (C) use funds to improve the academic
6 achievement of all students, including English
7 language learners and students with disabilities,
8 in eligible schools;

9 (D) implement an early warning indicator
10 and intervention system to alert schools when
11 students begin to exhibit outcomes or behaviors
12 that indicate the student is at increased risk for
13 low academic achievement or is unlikely to
14 progress to secondary school graduation, and to
15 create a system of evidence-based interventions
16 to be used by schools to effectively intervene,
17 by—

18 (i) identifying and analyzing, such as
19 through the use of longitudinal data of
20 past cohorts of students, the academic and
21 behavioral indicators in the middle grades
22 that most reliably predict dropping out of
23 secondary school, such as attendance, be-
24 havior measures (including suspensions, of-
25 ficer referrals, or conduct marks), aca-

1 demic performance in core courses, and
2 earned on-time promotion from grade-to-
3 grade;

4 (ii) analyzing student progress and
5 performance on the indicators identified
6 under clause (i) to guide decisionmaking;

7 (iii) analyzing academic indicators to
8 determine whether students are on track to
9 graduate on time, and developing appro-
10 priate evidence-based intervention; and

11 (iv) identifying or developing a mecha-
12 nism for regularly collecting and report-
13 ing—

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

16 (II) student-level progress and
17 performance, as described in clause
18 (ii);

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

21 (IV) information about the im-
22 pact of interventions on student out-
23 comes and progress;

24 (E) increase academic rigor and foster stu-
25 dent engagement to ensure students are enter-

1 ing secondary school prepared for success in a
2 rigorous college- and career-ready curriculum,
3 including a description of how such readiness
4 will be measured;

5 (F) implement a systemic transition plan
6 for all students and encourage collaboration
7 among elementary grades, middle grades, and
8 secondary school grades;

9 (G) increase community and family en-
10 gagement in education in the middle school
11 grades to support student success; and

12 (H) provide evidence that the strategies,
13 programs, supports, and instructional practices
14 proposed under the schoolwide improvement
15 plan are new and have not been implemented
16 before by the eligible local educational agency
17 or eligible entity; and

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

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

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

4 (2) appoint individuals to participate in the
5 peer-review process who are educators and experts in
6 identifying, evaluating, and implementing effective
7 education programs and practices, including—

8 (A) experts in areas of teaching and learn-
9 ing, educational standards and assessments,
10 school improvement, addressing the needs of
11 students with disabilities and English language
12 learners in the middle grades, and academic
13 and behavioral supports for middle grades stu-
14 dents; and

15 (B) recognized exemplary middle grades
16 teachers and principals who have been recog-
17 nized at the State or national level for exem-
18 plary work or contributions to the field.

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

1 determination and the reasons for such determination, and
2 offer—

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

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

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

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

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

22 (A) Align the curricula for all grade levels
23 within eligible schools to improve grade to grade
24 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, school librarians, and
9 other school staff understand the developmental
10 stages of adolescents in the middle grades and
11 how to deal with those stages appropriately in
12 an educational 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 and their families
24 with information about, and assistance with,
25 the requirements for secondary school gradua-

1 tion, admission to an institution of higher edu-
2 cation, and career 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 secondary school.

9 (H) Implement academic supports, such as
10 effective school library programs, and effective
11 and coordinated additional assistance programs
12 to ensure that students have a strong founda-
13 tion in reading, writing, mathematics, and
14 science skills.

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

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

23 (h) PERMISSIBLE USES OF FUNDS.—An eligible local
24 educational agency or eligible entity that receives a

1 subgrant under subsection (a) may use the subgrant funds
2 to carry out the following:

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

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

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

22 (4) Provide professional development for con-
23 tent-area teachers and school librarians on working
24 effectively with English language learners and stu-
25 dents with disabilities, as well as professional devel-

1 opment for English as a second language educators,
2 bilingual educators, and special education personnel.

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

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

15 (i) PLANNING SUBGRANTS.—

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

1 (ii) during the period of the grant or
2 subgrant, there has been significant
3 progress in—

4 (I) student academic achieve-
5 ment, as measured by the annual
6 measurable objectives established pur-
7 suant to section 1111(b)(2)(C)(v) of
8 the Elementary and Secondary Edu-
9 cation Act (20 U.S.C.
10 6311(b)(2)(C)(v)); and

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

13 (b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
14 PLANT, NON-FEDERAL FUNDS.—

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

23 (2) SPECIAL RULE.—Nothing in this title shall
24 be construed to authorize an officer, employee, or
25 contractor of the Federal Government to mandate,

1 direct, limit, or control a State, local educational
2 agency, or school's specific instructional content,
3 academic achievement standards and assessments,
4 curriculum, or program of instruction.

5 **SEC. 106. EVALUATION AND REPORTING.**

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

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

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

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

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

1 (D) evidence of the impact of the changes
2 to State and local policies and practices on im-
3 proving measurable learning gains by middle
4 grades students;

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

9 (3) submit the results of the evaluation to the
10 Secretary.

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

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

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

1 and Secondary Education Act of 1965 (20 U.S.C.
2 6311(b)(2)(C)(v)(II)); and

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

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

10 (1) the performance of eligible schools in the
11 State, based on the school performance indicators
12 described in section 103(a)(4)(B)(vi), in the aggre-
13 gate and disaggregated by the subgroups described
14 in section 1111(b)(2)(C)(v)(II) of the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 6311(b)(2)(C)(v)(II)); and

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

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

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

24 (2) the use of funds by each State under this
25 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 2012 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 the Workforce of the
14 House of Representatives a final report regarding
15 the study conducted under this subsection not later
16 than 1 year after the date of the commencement of
17 the contract.

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 secondary school, postsecondary edu-
22 cation, and cognitively challenging 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 the Workforce of the
22 House of Representatives a final report regarding
23 the study conducted under this subsection not later
24 than 2 years after the date of commencement of the
25 contract.

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 2012 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).

○