

112TH CONGRESS
1ST SESSION

S. 833

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 SENATE OF THE UNITED STATES

APRIL 14, 2011

Mr. WHITEHOUSE (for himself, Mr. REED, Mr. BROWN of Ohio, Mr. FRANKEN, and Mr. AKAKA) 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 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 Congress finds the following:

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) Less than $\frac{1}{3}$ of 8th 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 8th grade students proficient in reading
19 and the average reading scores for 8th grade stu-
20 dents has remained essentially static since 1998. In
21 contrast, NAEP reading scores and achievement lev-
22 els for 4th grade students have increased signifi-
23 cantly.

24 (3) In mathematics, just over $\frac{1}{3}$ of students in
25 8th grade show skills at the NAEP proficient level,

1 and nearly 30 percent score below the basic level.
2 The percentage of 8th grade students scoring above
3 the basic level was 10 points higher in 2009 than in
4 2000, but for 4th grade students, the percentage in-
5 creased 17 points, more than double the increase for
6 middle grades students. In 8th grade, the gaps be-
7 tween the average mathematics scores of White and
8 Black students and between White and Hispanic
9 students were approximately as wide in 2009 as in
10 1990.

11 (4) Fewer than 1 in 4 of the students who
12 graduate from secondary school meet, as 8th grad-
13 ers, all 4 of ACT's EXPLORE College Readiness
14 Benchmarks, the minimum level of achievement that
15 ACT has shown is necessary if students are to be
16 college- and career-ready upon graduation from sec-
17 ondary school.

18 (5) Lack of basic skills at the end of middle
19 grades has serious implications for students. Stu-
20 dents who enter secondary school 2 or more years
21 behind grade level in mathematics and literacy have
22 only a 50-percent chance of progressing on time to
23 the 10th grade; those not progressing are at signifi-
24 cant risk of dropping out of secondary school.

1 (6) Middle grades students are hopeful about
2 their future, with 93 percent believing that they will
3 complete secondary school and 86 percent antici-
4 pating that they will attend an institution of higher
5 education.

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

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

21 (9) According to ACT, the level of academic
22 achievement that students attain by 8th grade has
23 a larger impact on the students' college and career
24 readiness upon graduation from secondary school

1 than anything that happens academically in sec-
2 ondary school.

3 (10) Schools that serve children in the middle
4 grades are almost twice as likely as elementary
5 schools to be identified for improvement, corrective
6 action, or restructuring (22 percent as compared to
7 13 percent) under section 1116 of the Elementary
8 and Secondary Education Act of 1965 (20 U.S.C.
9 6316).

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

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

1 (13) Local educational agencies and State edu-
2 cational agencies often do not have the capacity to
3 provide support for school improvement strategies.
4 Successful models do exist for turning around low-
5 performing middle grades, and Federal support
6 should be provided to increase the capacity to apply
7 promising practices based on evidence from success-
8 ful schools.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

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

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

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

23 (A) not less than 1 eligible local edu-
24 cational agency; and

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

1 (ii) an educational service agency (as de-
2 fined in section 9101 of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C.
4 7801)); or

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

8 (4) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
9 The term “eligible local educational agency” means
10 a local educational agency that serves not less than
11 1 eligible school.

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

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

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

1 (i) student attendance below 90 per-
2 cent;

3 (ii) a failing grade in a mathematics
4 or reading or language arts course;

5 (iii) 2 failing grades in any courses;
6 and

7 (iv) out-of-school suspension or other
8 evidence of at-risk behavior; or

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

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

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

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

1 (9) SCIENTIFICALLY VALID RESEARCH.—The
2 term “scientifically valid research” has the meaning
3 given the term in section 200 of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1021).

5 (10) SECRETARY.—The term “Secretary”
6 means the Secretary of Education.

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

10 (12) STUDENT WITH A DISABILITY.—The term
11 “student with a disability” means a student who is
12 a child with a disability, as defined in section 602
13 of the Individuals with Disabilities Education Act
14 (20 U.S.C. 1401).

15 **TITLE I—MIDDLE GRADES** 16 **IMPROVEMENT**

17 **SEC. 101. PURPOSES.**

18 The purposes of this title are to—

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

23 (2) ensure that curricula and student supports
24 for middle grades education align with the curricula

1 and student supports provided for elementary and
2 secondary school grades;

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

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

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

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

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

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

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

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

17 (c) AMOUNT OF STATE ALLOTMENTS.—

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

1 satisfactory data are available, compared to the
2 number of such individuals who reside in all such
3 States for that fiscal year, determined in accordance
4 with section 1124(c)(1)(A) of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C.
6 6333(c)(1)(A)).

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

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

19 (e) REALLOTMENT.—

20 (1) FAILURE TO APPLY; APPLICATION NOT AP-
21 PROVED.—If any State educational agency does not
22 apply for an allotment under this title for a fiscal
23 year, or if the application from the State educational
24 agency is not approved, the Secretary shall reallot

1 the amount of the State's allotment to the remaining
2 States in accordance with this section.

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

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

15 (g) PEER REVIEW AND SELECTION.—The Sec-
16 retary—

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

20 (2) shall appoint individuals to participate in
21 the peer-review process who are educators and ex-
22 perts in identifying, evaluating, and implementing
23 effective education programs and practices (includ-
24 ing in the areas of teaching and learning, edu-
25 cational standards and assessments, school improve-

1 ment, and academic and behavioral supports for
2 middle grades students, and in addressing the needs
3 of students with disabilities and English language
4 learners in the middle grades), which individuals
5 may include recognized exemplary middle grades
6 teachers and middle grades principals who have been
7 recognized at the State or national level for exem-
8 plary work or contributions to the field;

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

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

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

21 (A) offering the State an opportunity to
22 revise the State's application;

23 (B) providing the State with technical as-
24 sistance in order to submit a successful applica-
25 tion; and

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

2 (6) shall direct the Inspector General of the De-
3 partment of Education to—

4 (A) review final determinations reached by
5 the Secretary to approve or deny State applica-
6 tions;

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

11 (C) report the findings of this review and
12 analysis to Congress.

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

14 (a) MANDATORY ACTIVITIES.—

15 (1) IN GENERAL.—A State educational agency
16 that receives a grant under this title shall use the
17 grant funds—

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

22 (B) to make subgrants to eligible local
23 educational agencies or eligible entities under
24 section 104; and

1 (C) to assist eligible local educational agen-
2 cies and eligible entities, when determined nec-
3 essary by the State educational agency or at the
4 request of an eligible local educational agency
5 or eligible entity, in designing a comprehensive
6 schoolwide improvement plan and carrying out
7 the activities under section 104.

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

13 (3) MIDDLE GRADES NEEDS ANALYSIS.—

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

1 State in supporting students in the middle
2 grades, including the factors, such as local im-
3 plementation, that influence variation in the ef-
4 fectiveness of such programs, practices, and
5 policies.

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

11 (i) middle grades curriculum instruc-
12 tion and assessment;

13 (ii) education accountability and data
14 systems;

15 (iii) teacher quality and equitable dis-
16 tribution;

17 (iv) interventions that support learn-
18 ing in school;

19 (v) family and community engagement
20 in education; and

21 (vi) student and academic support
22 services, such as effective school library
23 programs and school counseling on the
24 transition to secondary school and plan-

1 ning for entry into postsecondary edu-
2 cation and the workforce.

3 (4) MIDDLE GRADES IMPROVEMENT PLAN.—

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

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

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

14 (I) complete the middle grades;
15 and

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

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

1 (i)(I) Ensure that the curricula and
2 assessments for middle grades education
3 are aligned with secondary school curricula
4 and assessments and prepare students to
5 take challenging secondary school courses
6 and successfully engage in postsecondary
7 education; and

8 (II) ensure coordination, where appli-
9 cable, with the activities carried out
10 through grants for P-16 education align-
11 ment under section 6201(c)(1) of the
12 America COMPETES Act.

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

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

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

23 (III) using data to inform in-
24 struction.

1 (iii) Identify and disseminate informa-
2 tion on effective schools and instructional
3 strategies for middle grades students based
4 on high-quality research.

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

10 (v) Provide technical assistance to eli-
11 gible entities to develop and implement
12 their early warning indicator and interven-
13 tion systems, as described in section
14 104(d)(2)(D).

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

24 (I) student attendance and ab-
25 senteeism;

1 (II) earned on-time promotion
2 rates from grade to grade;

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

7 (IV) teacher quality and attend-
8 ance measures;

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

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

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

22 (viii) Ensure that such plan includes
23 specific provisions to improve family and
24 community engagement in education in the
25 middle grades.

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

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

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

17 (A) are evidence-based or, when available,
18 scientifically valid; and

19 (B) lead to improved student academic
20 achievement;

21 (3) support collaborative communities of middle
22 grades teachers, administrators, school librarians,
23 and researchers in creating and sustaining informa-
24 tional databases to disseminate results from rigorous

1 research on effective practices and programs for
2 middle grades education; and

3 (4) increase middle grades student and aca-
4 demic support services, such as effective school li-
5 brary programs and school counseling on the transi-
6 tion to secondary school and planning for entry into
7 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 sub-
17 section (a), a State educational agency shall give priority
18 to eligible local educational agencies or eligible entities
19 based on—

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

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 secondary schools in need of improve-
23 ment that serve the same students within the par-
24 ticipating 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 secondary school prepared for success in a
12 rigorous college- and career-ready curriculum,
13 including a description of how such readiness
14 will be measured;

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

19 (G) increase community and family en-
20 gagement in education in the middle grades to
21 support student success; and

22 (H) provide evidence that the strategies,
23 programs, supports, and instructional practices
24 proposed under the schoolwide improvement
25 plan are new and have not been implemented

1 before by the eligible local educational agency
2 or eligible entity; and

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

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

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

12 (2) appoint individuals to participate in the
13 peer-review process who are educators and experts in
14 identifying, evaluating, and implementing effective
15 education programs and practices, including—

16 (A) experts in areas of teaching and learn-
17 ing, educational standards and assessments,
18 school improvement, in addressing the needs of
19 students with disabilities and English language
20 learners in the middle grades, and in the aca-
21 demic and behavioral supports for middle
22 grades students; and

23 (B) recognized exemplary middle grades
24 teachers and principals who have been recog-

1 nized at the State or national level for exem-
2 plary work or contributions to the field.

3 (f) REVISION OF SUBGRANTS.—If a State edu-
4 cational agency, using the peer-review process described
5 in subsection (e), determines that an application for a
6 grant under subsection (a) does not meet the requirements
7 of this title, the State educational agency shall notify the
8 eligible local educational agency or eligible entity of such
9 determination and the reasons for such determination, and
10 offer—

11 (1) the eligible local educational agency or eligi-
12 ble entity an opportunity to revise and resubmit the
13 application; and

14 (2) technical assistance to the eligible local edu-
15 cational agency or eligible entity, by the State edu-
16 cational agency or a nonprofit organization with
17 demonstrated expertise in high-quality middle grades
18 interventions, to revise the application.

19 (g) MANDATORY USES OF FUNDS.—An eligible local
20 educational agency or eligible entity that receives a
21 subgrant under subsection (a) shall carry out the fol-
22 lowing:

23 (1) Align the curricula for grades kindergarten
24 through 12 for schools within the local educational

1 agency to improve transitions from elementary
2 grades to middle grades to secondary school grades.

3 (2) In each eligible school served by the eligible
4 local educational agency receiving or participating in
5 the subgrant:

6 (A) Align the curricula for all grade levels
7 within eligible schools to improve grade to grade
8 transitions.

9 (B) Implement evidence-based or, when
10 available, scientifically valid instructional strate-
11 gies, programs, and learning environments that
12 meet the needs of all students and ensure that
13 school leaders and teachers receive professional
14 development on the use of these strategies.

15 (C) Ensure that school leaders, teachers,
16 pupil service personnel, school librarians, and
17 other school staff understand the developmental
18 stages of adolescents in the middle grades and
19 how to deal with those stages appropriately in
20 an educational setting.

21 (D) Implement organizational practices
22 and school schedules that allow for effective
23 leadership, collaborative staff participation, ef-
24 fective teacher teaming, and parent and com-
25 munity involvement.

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

6 (F) Provide all students, and the students’
7 families, with information about, and assistance
8 with, the requirements for secondary school
9 graduation, admission to an institution of high-
10 er education, and career success.

11 (G) Utilize data from an early warning in-
12 dicator and intervention system described in
13 subsection (d)(2)(D) to identify struggling stu-
14 dents and assist the students as the students
15 transition from elementary school to middle
16 grades to secondary school.

17 (H) Implement academic supports, such as
18 effective school library programs, and effective
19 and coordinated additional assistance programs
20 to ensure that students have a strong founda-
21 tion in reading, writing, mathematics, and
22 science skills.

23 (I) Implement evidence-based or, when
24 available, scientifically valid schoolwide pro-
25 grams and targeted supports to promote posi-

1 tive academic outcomes, such as increased at-
2 tendance rates and the promotion of physical,
3 personal, and social development.

4 (J) Develop and use effective formative as-
5 sessments to inform instruction.

6 (h) PERMISSIBLE USES OF FUNDS.—An eligible local
7 educational agency or eligible entity that receives a
8 subgrant under subsection (a) may use the subgrant funds
9 to carry out the following:

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

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

1 (3) Employ and use instructional coaches, in-
2 cluding literacy, mathematics, and English language
3 learner coaches.

4 (4) Provide professional development for con-
5 tent-area teachers and school librarians on working
6 effectively with English language learners and stu-
7 dents with disabilities, as well as professional devel-
8 opment for English as a second language educators,
9 bilingual educators, and special education personnel.

10 (5) Encourage and facilitate the sharing of data
11 among elementary grades, middle grades, secondary
12 school grades, and postsecondary educational institu-
13 tions.

14 (6) Create collaborative study groups composed
15 of principals or middle grades teachers, or both,
16 among eligible schools within the eligible local edu-
17 cational agency receiving or participating in the
18 subgrant, or between such eligible local educational
19 agency and another local educational agency, with a
20 focus on developing and sharing methods to increase
21 student learning and academic achievement.

22 (i) PLANNING SUBGRANTS.—

23 (1) IN GENERAL.—In addition to the subgrants
24 described in subsection (a), a State educational
25 agency may (without regard to the preceding provi-

1 sions of this section) make planning subgrants, and
 2 provide technical assistance, to eligible local edu-
 3 cational agencies and eligible entities that have not
 4 received a subgrant under subsection (a) to assist
 5 the local educational agencies and eligible entities in
 6 meeting the requirements of subsections (c) and (d).

7 (2) AMOUNT AND DURATION.—Each subgrant
 8 under this subsection shall be in an amount of not
 9 more than \$100,000 and shall be for a period of not
 10 more than 1 year in duration.

11 **SEC. 105. DURATION OF GRANTS; SUPPLEMENT NOT SUP-**
 12 **PLANT.**

13 (a) DURATION OF GRANTS.—

14 (1) IN GENERAL.—Except as provided in para-
 15 graph (2), grants under this title and subgrants
 16 under section 104(a) may not exceed 3 years in du-
 17 ration.

18 (2) RENEWALS.—

19 (A) IN GENERAL.—Grants and subgrants
 20 under this title may be renewed in 2-year incre-
 21 ments.

22 (B) CONDITIONS.—In order to be eligible
 23 to have a grant or subgrant renewed under this
 24 paragraph, the grant or subgrant recipient shall

1 demonstrate, to the satisfaction of the granting
2 entity, that—

3 (i) the recipient has complied with the
4 terms of the grant or subgrant, including
5 by undertaking all required activities; and

6 (ii) during the period of the grant or
7 subgrant, there has been significant
8 progress in—

9 (I) student academic achieve-
10 ment, as measured by the annual
11 measurable objectives established pur-
12 suant to section 1111(b)(2)(C)(v) of
13 the Elementary and Secondary Edu-
14 cation Act (20 U.S.C.
15 6311(b)(2)(C)(v)); and

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

18 (b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
19 PLANT, NON-FEDERAL FUNDS.—

20 (1) IN GENERAL.—A State educational agency,
21 eligible local educational agency, or eligible entity
22 shall use Federal funds received under this title only
23 to supplement the funds that would, in the absence
24 of such Federal funds, be made available from non-
25 Federal sources for the education of pupils partici-

1 pating in programs assisted under this title, and not
2 to supplant such funds.

3 (2) SPECIAL RULE.—Nothing in this title shall
4 be construed to authorize an officer, employee, or
5 contractor of the Federal Government to mandate,
6 direct, limit, or control a State, local educational
7 agency, or school’s specific instructional content,
8 academic achievement standards and assessments,
9 curriculum, or program of instruction.

10 **SEC. 106. EVALUATION AND REPORTING.**

11 (a) EVALUATION.—Not later than 180 days after the
12 date of enactment of this Act, and annually thereafter for
13 the period of the grant, each State receiving a grant under
14 this title shall—

15 (1) conduct an evaluation of the State’s
16 progress regarding the impact of the changes made
17 to the policies and practices of the State in accord-
18 ance with this title, including—

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

22 (B) a discussion of any barriers hindering
23 the identified changes in policies and practices,
24 and implementation strategies to overcome such
25 barriers;

1 (C) evidence of the impact of changes to
2 policies and practices on behavior and actions
3 at the local educational agency and school level;
4 and

5 (D) evidence of the impact of the changes
6 to State and local policies and practices on im-
7 proving measurable learning gains by middle
8 grades students;

9 (2) use the results of the evaluation conducted
10 under paragraph (1) to adjust the policies and prac-
11 tices of the State as necessary to achieve the pur-
12 poses of this title; and

13 (3) submit the results of the evaluation to the
14 Secretary.

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

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

23 (1) the performance on the school performance
24 indicators (as described in section 103(a)(4)(B)(vi))
25 for each eligible school served by the eligible local

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

5
6 (2) the use of funds by the eligible local educational agency or eligible entity and each such
7 school.

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

13 (1) the performance of eligible schools in the
14 State, based on the school performance indicators
15 described in section 103(a)(4)(B)(vi), in the aggregate and disaggregated by the subgroups described
16 in section 1111(b)(2)(C)(v)(II) of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C.
18 6311(b)(2)(C)(v)(II)); and

19
20 (2) the use of the funds by each eligible local
21 educational agency in the State and by each eligible
22 school.

23 (e) REPORT TO CONGRESS.—Every 2 years, the Secretary shall report to the public and to Congress—
24

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

3 (2) the use of funds by each State under this
4 title.

5 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out
7 this title \$1,000,000,000 for fiscal year 2012 and such
8 sums as may be necessary for each of the 5 succeeding
9 fiscal years.

10 **TITLE II—RESEARCH**
11 **RECOMMENDATIONS**

12 **SEC. 201. PURPOSE.**

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

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

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

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

1 (2) CONTENT OF STUDY.—The study described
2 in paragraph (1) shall identify promising practices
3 currently being implemented for the improvement of
4 middle grades education. The study shall be con-
5 ducted in an open and transparent way that provides
6 interim information to the public about criteria
7 being used to identify—

8 (A) promising practices;

9 (B) the practices that are being consid-
10 ered; and

11 (C) the kind of evidence needed to docu-
12 ment effectiveness.

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

23 (4) PUBLICATION.—The Secretary shall make
24 public and post on the Web site of the Department

1 Education the findings of the study conducted under
2 this subsection.

3 (b) SYNTHESIS STUDY OF EFFECTIVE TEACHING
4 AND LEARNING IN MIDDLE GRADES.—

5 (1) IN GENERAL.—Not later than 60 days after
6 the date of enactment of this Act, the Secretary
7 shall enter into a contract with the Center for Edu-
8 cation of the National Academies to review existing
9 research on middle grades education, and on factors
10 that might lead to increased effectiveness and en-
11 hanced innovation in middle grades education.

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

21 (A) the areas of curriculum, instruction,
22 and assessment (including additional supports
23 for students who are below grade level in read-
24 ing, writing, mathematics, and science, and the
25 identification of students with disabilities) to

1 better prepare all students for subsequent suc-
2 cess in secondary school, postsecondary edu-
3 cation, and cognitively challenging employment;

4 (B) the quality of, and supports for, the
5 teacher workforce;

6 (C) aspects of student behavioral and so-
7 cial development, and of social interactions
8 within schools that affect the learning of aca-
9 demic content;

10 (D) the ways in which schools and local
11 educational agencies are organized and operated
12 that may be linked to student outcomes;

13 (E) how development and use of early
14 warning indicator and intervention systems can
15 reduce risk factors for dropping out of school
16 and low academic achievement; and

17 (F) identification of areas where further
18 research and evaluation may be needed on these
19 topics to further the development of effective
20 middle grades practices.

21 (3) REPORT.—The contract entered into pursu-
22 ant to this subsection shall require that the Center
23 for Education of the National Academies submit to
24 the Secretary, the Committee on Health, Education,
25 Labor, and Pensions of the Senate, and the Com-

1 mittee on Education and the Workforce of the
2 House of Representatives a final report regarding
3 the study conducted under this subsection not later
4 than 2 years after the date of commencement of the
5 contract.

6 (4) PUBLICATION.—The Secretary shall make
7 public and post on the Web site of the Department
8 of Education the findings of the study conducted
9 under this subsection.

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

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

18 (2) Create a national middle grades database
19 accessible to educational researchers, practitioners,
20 and policymakers that identifies school, classroom,
21 and system-level factors that facilitate or impede
22 student academic achievement in the middle grades.

23 (3) Require the Institute of Education Sciences
24 to develop a strand of field-initiated and scientif-
25 ically valid research designed to enhance perform-

1 ance of schools serving middle grades students, and
2 of middle grades students who are most at risk of
3 educational failure, which may be coordinated with
4 the regional educational laboratories established
5 under section 174 of the Education Sciences Reform
6 Act of 2002 (20 U.S.C. 9564), institutions of higher
7 education, agencies recognized for their research
8 work that has been published in peer-reviewed jour-
9 nals, and organizations that have such regional edu-
10 cational laboratories. Such research shall target spe-
11 cific issues such as—

12 (A) effective practices for instruction and
13 assessment in mathematics, science, technology,
14 and literacy;

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

17 (C) school improvement programs and
18 strategies for closing the academic achievement
19 gap;

20 (D) evidence-based or, when available, sci-
21 entifically valid professional development plan-
22 ning targeted to improve pedagogy and student
23 academic achievement;

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

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

3 (4) Strengthen the work of the existing national
4 research and development centers under section
5 133(c) of the Education Sciences Reform Act of
6 2002 (20 U.S.C. 9533(c)), as of the date of enact-
7 ment of this Act, by adding an educational research
8 and development center dedicated to addressing—

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

14 (B) comprehensive reforms for low-per-
15 forming middle grades; and

16 (C) other topics pertinent to improving the
17 academic achievement of middle grades stu-
18 dents.

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

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

3 (a) AUTHORIZATION.—There are authorized to be ap-
4 propriated to carry out this title \$100,000,000 for fiscal
5 year 2012 and such sums as may be necessary for each
6 of the 5 succeeding fiscal years.

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

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

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

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

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

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

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

○