

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3006

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2009

Mr. GRIJALVA (for himself, Mr. FATTAH, Ms. CLARKE, Mr. HARE, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. YARMUTH, Mr. LANGEVIN, and Mr. SESTAK) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7        In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

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

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

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

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

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

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

25 The term “eligible local educational agency” means

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

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

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

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

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

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

21 (iii) 2 failing grades in any courses;

22 and

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

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

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

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

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

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

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

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



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

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

5 **SEC. 101. PURPOSES.**

6 The purposes of this title are to—

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

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

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

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

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

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

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

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

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

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

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

5           (c) AMOUNT OF STATE ALLOTMENTS.—

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

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

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

8 (e) REALLOTMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (a) **MANDATORY ACTIVITIES.**—

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

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

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

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

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

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

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

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

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



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

7 (4) MIDDLE GRADES IMPROVEMENT PLAN.—

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

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

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

18 (I) complete the middle grades;

19 and

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

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

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

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

18 (ii) Ensure professional development  
19 is provided to school leaders, teachers, and  
20 other school personnel in—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2  
3  
4 (4) increase middle grades student support services, such as school counseling on the transition to high school.

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

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

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

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

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

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

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

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

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

22           (d) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT  
23 PLAN.—An eligible local educational agency or eligible en-  
24 tity that desires to receive a subgrant under subsection

1 (a) shall develop a comprehensive schoolwide improvement  
2 plan for the middle grades that shall—

3 (1) include the information described in sub-  
4 section (c)(2);

5 (2) describe how the eligible local educational  
6 agency or eligible entity will—

7 (A) identify eligible schools;

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

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

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



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

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

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

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

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

23 (II) student-level progress and  
24 performance, as described in clause  
25 (ii);

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

3 (IV) information about the im-  
4 pact of interventions on student out-  
5 comes and progress;

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

12 (F) implement a systemic transition plan  
13 for all students and encourage collaboration  
14 among elementary grades, middle grades, and  
15 high school grades; and

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

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

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

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

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

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

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

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

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

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

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

20           (A) Align the curricula for all grade levels  
21           within eligible schools to improve grade to grade  
22           transitions.

23           (B) Implement evidence-based or, when  
24           available, scientifically valid instructional strate-  
25           gies, programs, and learning environments that

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

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

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

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

20 (F) Provide all students with information  
21 and assistance about the requirements for high  
22 school graduation, college admission, and career  
23 success.

24 (G) Utilize data from an early warning in-  
25 dicator and intervention system described in

1 subsection (d)(2)(D) to identify struggling stu-  
2 dents and assist the students as the students  
3 transition from elementary school to middle  
4 grades to high school.

5 (H) Implement academic supports and ef-  
6 fective and coordinated additional assistance  
7 programs to ensure that students have a strong  
8 foundation in reading, writing, mathematics,  
9 and science skills.

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

16 (J) Develop and use an effective formative  
17 assessment to inform instruction.

18 (h) PERMISSIBLE USES OF FUNDS.—An eligible local  
19 educational agency or eligible entity that receives a  
20 subgrant under subsection (a) may use the subgrant funds  
21 to carry out the following:

22 (1) Implement extended learning opportunities  
23 in core academic areas including more instructional  
24 time in literacy, mathematics, science, history, and  
25 civics in addition to opportunities for language in-

1 instruction and understanding other cultures and the  
2 arts.

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

13 (3) Employ and use instructional coaches, in-  
14 cluding literacy, mathematics, and English language  
15 learner coaches.

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

22 (5) Encourage and facilitate the sharing of data  
23 among elementary grades, middle grades, high  
24 school grades, and postsecondary educational institu-  
25 tions.

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

9           (i) PLANNING SUBGRANTS.—

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

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

23 **SEC. 105. DURATION OF GRANTS; SUPPLEMENT NOT SUP-**  
24 **PLANT.**

25           (a) DURATION OF GRANTS.—



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

5           (2) RENEWALS.—

6           (A) IN GENERAL.—Grants and subgrants  
7 under this title may be renewed in 2-year incre-  
8 ments.

9           (B) CONDITIONS.—In order to be eligible  
10 to have a grant or subgrant renewed under this  
11 paragraph, the grant or subgrant recipient shall  
12 demonstrate, to the satisfaction of the granting  
13 entity, that—

14           (i) the recipient has complied with the  
15 terms of the grant or subgrant, including  
16 by undertaking all required activities; and

17           (ii) during the period of the grant or  
18 subgrant, there has been significant  
19 progress in—

20           (I) student academic achieve-  
21 ment, as measured by the annual  
22 measurable objectives established pur-  
23 suant to section 1111(b)(2)(C)(v) of  
24 the Elementary and Secondary Edu-

1 cation Act (20 U.S.C.  
2 6311(b)(2)(C)(v)); and  
3 (II) other key risk factors such  
4 as attendance and on-time promotion.

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

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

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

22 **SEC. 106. EVALUATION AND REPORTING.**

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

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

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

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

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

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

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

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

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

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

6           (c) LOCAL EDUCATIONAL AGENCY REPORTING.—On  
7       an annual basis, each eligible local educational agency and  
8       eligible entity receiving a subgrant under section 104(a)  
9       shall report to the State educational agency and to the  
10      public on—

11           (1) the performance on the school performance  
12      indicators (as described in section 103(a)(4)(B)(vi))  
13      for each eligible school served by the eligible local  
14      educational agency or eligible entity, in the aggre-  
15      gate 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           (2) the use of funds by the eligible local edu-  
20      cational agency or eligible entity and each such  
21      school.

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

1           (1) the performance of eligible schools in the  
2           State, based on the school performance indicators  
3           described in section 103(a)(4)(B)(vi), in the aggregate  
4           and disaggregated by the subgroups described  
5           in section 1111(b)(2)(C)(v)(II) of the Elementary  
6           and Secondary Education Act of 1965 (20 U.S.C.  
7           6311(b)(2)(C)(v)(II)); and

8           (2) the use of the funds by each eligible local  
9           educational agency in the State and by each eligible  
10          school.

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

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

15               (2) the use of funds by each State under this  
16               title.

17 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

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

1                   **TITLE II—RESEARCH**  
2                   **RECOMMENDATIONS**

3 **SEC. 201. PURPOSE.**

4           The purpose of this title is to facilitate the genera-  
5 tion, dissemination, and application of research needed to  
6 identify and implement effective practices that lead to con-  
7 tinual student learning and high academic achievement in  
8 the middle grades.

9 **SEC. 202. RESEARCH RECOMMENDATIONS.**

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

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

17                   (2) **CONTENT OF STUDY.—**The study described  
18 in paragraph (1) shall identify promising practices  
19 currently being implemented for the improvement of  
20 middle grades education. The study shall be con-  
21 ducted in an open and transparent way that provides  
22 interim information to the public about criteria  
23 being used to identify—

24                                   (A) promising practices;

1 (B) the practices that are being consid-  
2 ered; and

3 (C) the kind of evidence needed to docu-  
4 ment effectiveness.

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

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

19 (b) SYNTHESIS STUDY OF EFFECTIVE TEACHING  
20 AND LEARNING IN MIDDLE GRADES.—

21 (1) IN GENERAL.—Not later than 60 days after  
22 the date of enactment of this Act, the Secretary  
23 shall enter into a contract with the Center for Edu-  
24 cation of the National Academies to review existing  
25 research on middle grades education, and on factors

1 that might lead to increased effectiveness and en-  
2 hanced innovation in middle grades education.

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

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

20 (B) the quality of, and supports for, the  
21 teacher workforce;

22 (C) aspects of student behavioral and so-  
23 cial development, and of social interactions  
24 within schools that affect the learning of aca-  
25 demic content;



1           (D) the ways in which schools and local  
2 educational agencies are organized and operated  
3 that may be linked to student outcomes;

4           (E) how development and use of early  
5 warning indicator and intervention systems can  
6 reduce risk factors for dropping out of school  
7 and low academic achievement; and

8           (F) identification of areas where further  
9 research and evaluation may be needed on these  
10 topics to further the development of effective  
11 middle grades practices.

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

22           (4) PUBLICATION.—The Secretary shall make  
23 public and post on the website of the Department of  
24 Education the findings of the study conducted under  
25 this subsection.

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

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

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

14           (3) Require the Institute of Education Sciences  
15 to develop a strand of field-initiated and scientif-  
16 ically valid research designed to enhance perform-  
17 ance of schools serving middle grades students, and  
18 of middle grades students who are most at risk of  
19 educational failure, which may be coordinated with  
20 the regional educational laboratories established  
21 under section 174 of the Education Sciences Reform  
22 Act of 2002 (20 U.S.C. 9564), institutions of higher  
23 education, agencies recognized for their research  
24 work that has been published in peer-reviewed jour-  
25 nals, and organizations that have such regional edu-

1 educational laboratories. Such research shall target spe-  
2 cific issues such as—

3 (A) effective practices for instruction and  
4 assessment in mathematics, science, technology,  
5 and literacy;

6 (B) academic interventions for adolescent  
7 English language learners;

8 (C) school improvement programs and  
9 strategies for closing the academic achievement  
10 gap;

11 (D) evidence-based or, when available, sci-  
12 entifically valid professional development plan-  
13 ning targeted to improve pedagogy and student  
14 academic achievement;

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

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

19 (4) Strengthen the work of the existing national  
20 research and development centers under section  
21 133(c) of the Education Sciences Reform Act of  
22 2002 (20 U.S.C. 9533(c)), as of the date of enact-  
23 ment of this Act, by adding an educational research  
24 and development center dedicated to addressing—

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

6 (B) comprehensive reforms for low-per-  
7 forming middle grades; and

8 (C) other topics pertinent to improving the  
9 academic achievement of middle grades stu-  
10 dents.

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

17 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**  
18 **TIONS.**

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

23 (b) **RESERVATIONS.**—From the total amount made  
24 available to carry out this title, the Secretary shall re-  
25 serve—

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

3           (2) 5 percent for the clearinghouse described in  
4 section 202(c)(1);

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

7           (4) 42.5 percent for the activities described in  
8 section 202(c)(3);

9           (5) 15 percent for the activities described in  
10 section 202(c)(4); and

11           (6) 30 percent for the activities described in  
12 section 202(c)(5).

○