

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Success in the Middle  
3 Act of 2011”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

11 (2) Less than  $\frac{1}{3}$  of 8th grade students in the  
12 United States, and only 3 percent of such students  
13 who are English language learners, can read with  
14 proficiency, according to the 2009 National Assess-  
15 ment on Educational Progress (NAEP). The per-  
16 centage of 8th grade students proficient in reading  
17 and the average reading scores for 8th grade stu-  
18 dents has remained essentially static since 1998. In  
19 contrast, NAEP reading scores and achievement lev-  
20 els for 4th grade students have increased signifi-  
21 cantly.

22 (3) In mathematics, just over  $\frac{1}{3}$  of students in  
23 8th grade show skills at the NAEP proficient level,  
24 and nearly 30 percent score below the basic level.  
25 The percentage of 8th grade students scoring above  
26 the basic level was 10 points higher in 2009 than in

1       2000, but for 4th grade students, the percentage in-  
2       creased 17 points, more than double the increase for  
3       middle grades students. In 8th grade, the gaps be-  
4       tween the average mathematics scores of white and  
5       black students and between white and Hispanic stu-  
6       dents were approximately as wide in 2009 as in  
7       1990.

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

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

22              (6) Middle grades students are hopeful about  
23      their future, with 93 percent believing that they will  
24      complete secondary school and 86 percent antici-

1       pating that they will attend an institution of higher  
2       education.

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

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

18          (9) According to ACT, the level of academic  
19      achievement that students attain by 8th grade has  
20      a larger impact on the students' college and career  
21      readiness upon graduation from secondary school  
22      than anything that happens academically in sec-  
23      ondary school.

24          (10) Schools that serve children in the middle  
25      grades are almost twice as likely as elementary

1 schools to be identified for improvement, corrective  
2 action, or restructuring (22 percent as compared to  
3 13 percent) under section 1116 of the Elementary  
4 and Secondary Education Act of 1965 (20 U.S.C.  
5 6316).

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

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

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

1 performing middle grades, and Federal support  
2 should be provided to increase the capacity to apply  
3 promising practices based on evidence from success-  
4 ful schools.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

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

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

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

19 (A) not less than 1 eligible local edu-  
20 cational agency; and

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

22 (ii) an educational service agency (as de-  
23 fined in section 9101 of the Elementary and  
24 Secondary Education Act of 1965 (20 U.S.C.  
25 7801)); or

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

4 (4) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

5 The term “eligible local educational agency” means  
6 a local educational agency that serves not less than  
7 1 eligible school.

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

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

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

22 (i) student attendance below 90 per-  
23 cent;

24 (ii) a failing grade in a mathematics  
25 or reading or language arts course;

1 (iii) 2 failing grades in any courses;

2 and

3 (iv) out-of-school suspension or other

4 evidence of at-risk behavior; or

5 (C) more than 50 percent of the middle

6 grades students attending such school do not

7 perform at a proficient level on State student

8 academic assessments required under section

9 1111(b)(3) of the Elementary and Secondary

10 Education Act of 1965 (20 U.S.C. 6311(b)(3))

11 in mathematics or reading or language arts.

12 (6) INSTITUTION OF HIGHER EDUCATION.—The

13 term “institution of higher education” has the

14 meaning given the term in section 101 of the Higher

15 Education Act of 1965 (20 U.S.C. 1001).

16 (7) MIDDLE GRADES.—The term “middle

17 grades” means any of grades 5 through 8.

18 (8) PRINCIPLES OF SCIENTIFIC RESEARCH.—

19 The term “principles of scientific research” has the

20 meaning given the term in section 200 of the Higher

21 Education Act of 1965 (20 U.S.C. 1021).

22 (9) SCIENTIFICALLY VALID RESEARCH.—The

23 term “scientifically valid research” has the meaning

24 given the term in section 200 of the Higher Edu-

25 cation Act of 1965 (20 U.S.C. 1021).

1           (10) SECRETARY.—The term “Secretary”  
2 means the Secretary of Education.

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

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

## 11           **TITLE I—MIDDLE GRADES** 12                           **IMPROVEMENT**

### 13   **SEC. 101. PURPOSES.**

14           The purposes of this title are to—

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

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

23           (3) provide resources to State educational agen-  
24 cies and local educational agencies to collaboratively  
25 develop school improvement plans in order to deliver

1 support and technical assistance to schools serving  
2 students in the middle grades; and

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

10 **SEC. 102. FORMULA GRANTS TO STATE EDUCATIONAL**  
11 **AGENCIES FOR MIDDLE GRADES IMPROVE-**  
12 **MENT.**

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

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

23 (1) shall reserve not more than 1 percent for  
24 the Secretary of the Interior (on behalf of the Bu-

1       reau of Indian Affairs) and the outlying areas for  
2       activities carried out in accordance with this section;

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

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

12      (c) AMOUNT OF STATE ALLOTMENTS.—

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

1 Secondary Education Act of 1965 (20 U.S.C.  
2 6333(e)(1)(A)).

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

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

15 (e) REALLOTMENT.—

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

23 (2) UNUSED FUNDS.—The Secretary may  
24 reallocate any amount of an allotment to a State if the  
25 Secretary determines that the State will be unable to

1 use such amount within 2 years of such allotment.  
2 Such reallocations shall be made on the same basis  
3 as allotments are made under subsection (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (a) MANDATORY ACTIVITIES.—

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

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

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

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

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

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

9 (3) MIDDLE GRADES NEEDS ANALYSIS.—

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

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

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

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

10                   (ii) education accountability and data  
11                   systems;

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

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

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

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

24           (4) MIDDLE GRADES IMPROVEMENT PLAN.—

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

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

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

11 (I) complete the middle grades;  
12 and

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

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

23 (i)(I) Ensure that the curricula and  
24 assessments for middle grades education  
25 are aligned with secondary school curricula

1 and assessments and prepare students to  
2 take challenging secondary school courses  
3 and successfully engage in postsecondary  
4 education; and

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

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

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

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

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

22 (iii) Identify and disseminate informa-  
23 tion on effective schools and instructional  
24 strategies for middle grades students based  
25 on high-quality research.

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

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

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

20 (I) student attendance and ab-  
21 senteeism;

22 (II) earned on-time promotion  
23 rates from grade to grade;

24 (III) percentage of students fail-  
25 ing a mathematics, reading or lan-

1 guage arts, or science course, or fail-  
2 ing 2 or more of any courses;

3 (IV) teacher quality and attend-  
4 ance measures;

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

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

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

18 (viii) Ensure that such plan includes  
19 specific provisions to improve family and  
20 community engagement in education in the  
21 middle grades.

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

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

11           (2) support local educational agencies in imple-  
12 menting effective middle grades practices, models,  
13 and programs that—

14                 (A) are evidence-based or, when available,  
15                 scientifically valid; and

16                 (B) lead to improved student academic  
17                 achievement;

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

24           (4) increase middle grades student and aca-  
25 demic support services, such as effective school li-

1        brary programs and school counseling on the transi-  
2        tion to secondary school and planning for entry into  
3        postsecondary education and the workforce.

4        **SEC. 104. COMPETITIVE SUBGRANTS TO IMPROVE LOW-**  
5        **PERFORMING MIDDLE GRADES.**

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

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

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

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

23       (c) APPLICATION.—An eligible local educational  
24       agency or eligible entity that desires to receive a subgrant  
25       under subsection (a) shall submit an application to the

1 State educational agency at such time, in such manner,  
2 and accompanied by such information as the State edu-  
3 cational agency may reasonably require, including—

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

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

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

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

24 (1) include the information described in sub-  
25 section (c)(2);

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

3           (A) identify eligible schools;

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

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

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

21           (i) identifying and analyzing, such as  
22 through the use of longitudinal data of  
23 past cohorts of students, the academic and  
24 behavioral indicators in the middle grades  
25 that most reliably predict dropping out of

1 high school, such as attendance, behavior  
2 measures (including suspensions, officer  
3 referrals, or conduct marks), academic per-  
4 formance in core courses, and earned on-  
5 time promotion from grade-to-grade;

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

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

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

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

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

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

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

1           (E) increase academic rigor and foster stu-  
2           dent engagement to ensure students are enter-  
3           ing secondary school prepared for success in a  
4           rigorous college- and career-ready curriculum,  
5           including a description of how such readiness  
6           will be measured;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23           (F) Provide all students, and the students'  
24 families, with information about, and assistance  
25 with, the requirements for secondary school

1 graduation, admission to an institution of high-  
2 er education, and career success.

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

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

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

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

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

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

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

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

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

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

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

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

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

15      (i) PLANNING SUBGRANTS.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) the use of funds by each State under this  
25 title.

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

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

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

8 **SEC. 201. PURPOSE.**

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

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

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

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

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

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

3 (A) promising practices;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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