

116TH CONGRESS
1ST SESSION

S. 1704

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 local educational agency policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2019

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and local educational agency 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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Research shows that Federal funding for
9 students in middle school and high school, particu-
10 larly grades 6 through 12, is significantly lower than
11 funding for elementary and postsecondary students.

12 (2) International comparisons indicate that stu-
13 dents in the United States do not start out behind
14 students of other nations in mathematics and
15 science, but that they fall behind by the end of the
16 middle grades.

17 (3) Approximately 65 percent of students in
18 grade 8 read below the proficient level on the 2017
19 National Assessment of Educational Progress. A lit-
20 tle over one-third of students in grade 8 in the
21 United States, and approximately 5 percent of such
22 students who are English learners, can read with
23 proficiency, according to the 2017 National Assess-
24 ment of Educational Progress.

1 (4) In mathematics, 37 percent of students in
2 grade 8 show skills at or above the proficient level
3 on the 2017 National Assessment of Educational
4 Progress. However, the percentage of students in
5 grade 4 at or above the proficient level on such As-
6 sessment was 40 percent. In grade 8, the gaps be-
7 tween the average mathematics scores of White and
8 Black students and between White and Hispanic
9 students were approximately as wide in 2017 as in
10 2015.

11 (5) By grade 6, a student who attends school
12 less than 80 percent of the time, receives unsatisfac-
13 tory marks for mild but sustained misbehavior, or
14 who fails English or mathematics, has only a 10 to
15 20 percent chance of graduating on time. Without
16 effective interventions and proper supports, these
17 students are at risk of subsequent failure in sec-
18 ondary school, or of dropping out.

19 (6) Approximately 55 percent of students in
20 grades 5 through 12 are engaged in the learning
21 process, while 28 percent are unengaged or mentally
22 checked out and 17 percent are actively disengaged
23 and feel negatively about school, according to a 2013
24 Gallup Student Poll. Additionally, 54 percent of stu-
25 dents are hopeful, while 32 percent feel stuck and

1 14 percent feel discouraged, about their future suc-
2 cess at school and beyond.

3 (7) Student transitions from elementary school
4 to the middle grades and to secondary school are
5 often complicated by poor curriculum alignment, in-
6 adequate counseling services, and unsatisfactory
7 sharing of student performance and academic
8 achievement data between grades.

9 (8) Middle grades improvement strategies
10 should be tailored based on a variety of performance
11 indicators and data, so that—

12 (A) educators can create and implement
13 successful school improvement strategies to ad-
14 dress the needs of the middle grades; and

15 (B) teachers can provide effective instruc-
16 tion and adequate assistance to meet the needs
17 of at-risk students.

18 (9) Middle grade teachers face unique chal-
19 lenges due to the increased individual subject matter
20 focus of the curriculum combined with the physical,
21 intellectual, and emotional changes faced by early
22 adolescents transitioning from elementary school to
23 high school.

24 (10) Combining measures of academic achieve-
25 ment and motivation, social engagement, and self-

1 regulation—the behavioral domains essential for suc-
2 cess across the school and work continuum—pro-
3 vides a more holistic picture of students, including
4 their likelihood of enrolling in an institution of high-
5 er education following high school graduation. This
6 information, available in middle school, allows for
7 early identification of and intervention with students
8 who may be less likely to complete secondary school
9 and attend an institution of higher education.

10 (11) Appropriate academic accommodations,
11 age-appropriate discipline, access to assistive tech-
12 nology, and evidence-based interventions must be
13 used with students with disabilities, particularly in
14 the middle grades, as—

15 (A) the dropout rate for learning disabled
16 students is nearly 3 times the dropout rate of
17 all students;

18 (B) more than half of young adults with
19 learning disabilities have been involved in the
20 justice system; and

21 (C) students with disabilities have a grad-
22 uation rate nearly 20 percentage points lower
23 than the graduation rate for general education
24 students.

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

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ESEA DEFINITIONS.—The terms “edu-
12 cational service agency”, “elementary school”,
13 “English learner”, “evidence-based”, “local edu-
14 cational agency”, “outlying area”, “high school”,
15 “secondary school”, and “State educational agency”
16 have the meanings given the terms in section 8101
17 of the Elementary and Secondary Education Act of
18 1965 (20 U.S.C. 7801).

19 (2) CHRONIC ABSENTEEISM.—The term
20 “chronic absenteeism” means the percentage of indi-
21 vidual students missing 10 percent, or more, of the
22 days of school in a school year.

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

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

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

4 (ii) an educational service agency; or

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

8 (4) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

9 The term “eligible local educational agency” means
 10 a local educational agency that serves not less than
 11 1 eligible school.

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

16 (A) a high proportion of the middle grades
 17 students attending such school will attend a
 18 secondary school with a graduation rate of 67
 19 percent or less;

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

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

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

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

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

9 (C) more than 50 percent of the middle
 10 grades students attending such school do not
 11 perform at a proficient level on State student
 12 academic assessments required under section
 13 1111(b)(2) of the Elementary and Secondary
 14 Education Act of 1965 (20 U.S.C. 6311(b)(2))
 15 in mathematics or reading or language arts.

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

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

22 (8) SECRETARY.—The term “Secretary” means
 23 the Secretary of Education.

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

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

9 **TITLE I—MIDDLE GRADES** 10 **IMPROVEMENT**

11 **SEC. 101. PURPOSES.**

12 The purposes of this title are to—

13 (1) develop middle grade students’ social, emo-
 14 tional, and academic competencies and deep content
 15 knowledge to ensure they are equipped to think criti-
 16 cally, solve problems, communicate effectively, col-
 17 laborate with others, and be self-directed so that
 18 they can enter high school on-track and graduate
 19 from high school on time and ready for postsec-
 20 ondary and career pathways;

21 (2) provide student and teacher supports for
 22 middle grades education, including funding and cur-
 23 ricula, that align with the student and teacher sup-
 24 ports provided for elementary school and secondary

1 school grades within and across local educational
2 agencies;

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

9 (4) provide resources for schools serving middle
10 grade students to develop positive learning commu-
11 nities where educators and students feel engaged,
12 and share high expectations of student success, as
13 exhibited by mutual respect, fair discipline ap-
14 proaches, and rigorous academic curriculum; and

15 (5) increase the capacity of States and local
16 educational agencies to develop effective, sustainable,
17 and replicable school improvement programs and
18 models and evidence-based or, when available, sci-
19 entifically valid student interventions for implemen-
20 tation by schools serving students in the middle
21 grades.

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

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

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

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

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

22 (3) shall reserve 2 percent for technical assist-
23 ance and dissemination of best practices in middle
24 grades education to States and local educational
25 agencies.

26 (c) AMOUNT OF STATE ALLOTMENTS.—

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

15 (2) MINIMUM ALLOTMENTS.—No State edu-
16 cational agency shall receive an allotment under this
17 subsection for a fiscal year that is less than $\frac{1}{2}$ of
18 1 percent of the amount made available to carry out
19 this title for such fiscal year.

20 (d) SPECIAL RULE.—For any fiscal year for which
21 the funds appropriated to carry out this title are less than
22 \$500,000,000, the Secretary is authorized to award grants
23 to State educational agencies, on a competitive basis, rath-
24 er than as allotments described in this section, to enable

1 such agencies to award subgrants under section 104 on
2 a competitive basis.

3 (e) REALLOTMENT.—

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

11 (2) UNUSED FUNDS.—The Secretary may
12 reallo- any amount of an allotment to a State if the
13 Secretary determines that the State will be unable to
14 use such amount within 2 years of such allotment.
15 Such reallo-ments shall be made on the same basis
16 as allotments are made under subsection (c).

17 (f) APPLICATION.—In order to receive an allotment
18 under this title, a State educational agency shall submit
19 an application to the Secretary at such time, in such man-
20 ner, and accompanied by such information as the Sec-
21 retary may reasonably require, including a State middle
22 grades improvement plan described in section 103(a)(4).

23 (g) PEER REVIEW AND SELECTION.—The Sec-
24 retary—

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

4 (2) shall appoint individuals to participate in
5 the peer-review process who are educators and ex-
6 perts in identifying, evaluating, and implementing
7 effective education programs and practices (includ-
8 ing in the areas of teaching and learning, edu-
9 cational standards and assessments, school improve-
10 ment, school climate, rates of suspension and expul-
11 sion, and academic and behavioral supports for mid-
12 dle grades students, and in addressing the needs of
13 students with disabilities and English learners in the
14 middle grades), which individuals may include recog-
15 nized exemplary middle grades teachers and middle
16 grades principals who have been recognized at the
17 State or national level for exemplary work or con-
18 tributions to the field;

19 (3) shall ensure that State educational agencies
20 are given the opportunity to receive timely feedback,
21 and to interact with peer-review panels, in person or
22 via electronic communication, on issues that need
23 clarification during the peer-review process;

24 (4) shall approve an application submitted
25 under this title not later than 120 days after the

1 date of submission of the application unless the Sec-
2 retary determines that the application does not meet
3 the requirements of this title;

4 (5) may not decline to approve an application
5 from a State educational agency before—

6 (A) offering the State educational agency
7 an opportunity to revise the application;

8 (B) providing the State educational agency
9 with technical assistance in order to submit a
10 successful application; and

11 (C) providing an opportunity for a hearing
12 to the State educational agency; and

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

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

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

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

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

25 (a) **MANDATORY ACTIVITIES.**—

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

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

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

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

18 (2) FUNDS FOR SUBGRANTS.—A State edu-
19 cational agency that receives a grant under this title
20 shall use not less than 90 percent of the grant funds
21 to make subgrants to eligible local educational agen-
22 cies or eligible entities under section 104.

23 (3) MIDDLE GRADES NEED ASSESSMENT.—

24 (A) COMPREHENSIVE ASSESSMENT.—

1 (i) IN GENERAL.—A State educational
2 agency that receives a grant under this
3 title shall conduct a comprehensive needs
4 assessment that analyzes how to strength-
5 en the programs, practices, and policies of
6 the State to target support for students in
7 the middle grades to improve positive stu-
8 dent outcomes that prepare students for
9 high school, postsecondary, and career suc-
10 cess.

11 (ii) CONTRACTING ABILITY.—A State
12 educational agency receiving a grant under
13 this title may enter into a contract, or
14 similar formal agreement, to work with en-
15 tities such as national and regional com-
16 prehensive centers (as described in section
17 203 of the Educational Technical Assist-
18 ance Act of 2002 (20 U.S.C. 9602)), insti-
19 tutions of higher education, or nonprofit
20 organizations with demonstrated expertise
21 in high-quality middle grades reform to
22 conduct a comprehensive needs assessment.

23 (B) PREPARATION OF ASSESSMENT.—In
24 preparing the assessment under subparagraph
25 (A), the State educational agency shall examine

1 policies and practices of the State, and of local
2 educational agencies within the State, affecting,
3 with respect to middle grades—

4 (i) curriculum alignment, assessment,
5 and instruction;

6 (ii) the State system of annual mean-
7 ingful differentiation, as described under
8 section 1111(c)(4)(C) of the Elementary
9 and Secondary Education Act of 1965 (20
10 U.S.C. 6311(c)(4)(C));

11 (iii) teacher and school leader prepa-
12 ration, quality, experience, and equitable
13 distribution;

14 (iv) interventions both in-school and
15 out-of-school that support student learn-
16 ing;

17 (v) student engagement activities;

18 (vi) disproportionate use of exclu-
19 sionary disciplinary practices, including in-
20 school and out-of-school suspensions;

21 (vii) family and community engage-
22 ment in education;

23 (viii) equitable distribution of re-
24 sources; and

1 (ix) student and academic support
 2 services, such as effective school library
 3 programs and school counseling on the
 4 transition to secondary school and plan-
 5 ning for entry into postsecondary edu-
 6 cation and the workforce.

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 assess-
 15 ment 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 (II) develop the competencies
 20 of—

21 (aa) the ability to acquire
 22 and use deep content knowledge
 23 to solve problems;

24 (bb) critical thinking;

1 (cc) effective communica-
2 tion;

3 (dd) self-direction; and

4 (ee) the ability to collabo-
5 rate; and

6 (III) make a successful transition
7 to academically rigorous secondary
8 school coursework that prepares stu-
9 dents to graduate from secondary
10 school ready for higher education and
11 a career.

12 (B) PLAN COMPONENTS.—A middle grades
13 improvement plan described in subparagraph
14 (A) shall also describe how the State edu-
15 cational agency will do each of the following:

16 (i)(I) Align State standards and as-
17 sessments for middle grades education with
18 State standards and assessments for sec-
19 ondary schools and prepare students to
20 take challenging secondary school courses
21 and successfully engage in postsecondary
22 education.

23 (II) Coordinate, where applicable,
24 with the activities carried out through
25 grants under section 6201(c)(1) of the

America COMPETES Act (20 U.S.C. 9871(c)(1)) for alignment of P-16 education, as defined in section 6201(b) of such Act.

(III) Support the transition from elementary school to the middle grades through programs that promote successful social, emotional, and cognitive development.

(ii) Provide professional development to school leaders, teachers, and other school personnel in—

(I) addressing the needs of diverse learners, including students with disabilities and English learners;

(II) using challenging and relevant research-based best practices and curricula;

(III) using data to inform instruction; and

(IV) increasing student engagement and social and emotional learning competencies.

(iii) Identify and disseminate information on effective schools and instructional

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

3 (iv) Identify and provide support for
4 students most at risk of not graduating
5 from secondary school, including English
6 learners, students with disabilities, and
7 low-income students.

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

13 (vi) Define a set of school perform-
14 ance indicators that shall be used, in addi-
15 tion to the indicators used to identify
16 schools for comprehensive support and im-
17 provement under section 1111(c)(4)(D)(i)
18 of the Elementary and Secondary Edu-
19 cation Act of 1965 (20 U.S.C.
20 6311(c)(4)(D)(i)), to evaluate school per-
21 formance and guide the school improve-
22 ment process, such as—

23 (I) student attendance and
24 chronic absenteeism;

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

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

7 (IV) teacher preparation, experi-
8 ence, effectiveness, and attendance
9 measures;

10 (V) in-school and out-of-school
11 suspension or other measurable evi-
12 dence of at-risk behavior, including
13 any disparities in rates among sub-
14 groups of students, as defined in sec-
15 tion 1111(c)(2)) of the Elementary
16 and Secondary Education Act of 1965
17 (20 U.S.C. 6311(c)(2));

18 (VI) data collected by the Civil
19 Rights Data Collection survey con-
20 ducted by the Office of Civil Rights of
21 the Department of Education; and

22 (VII) additional indicators pro-
23 posed by the State educational agency
24 and approved by the Secretary, based
25 upon any peer-review evaluation of in-

1 dicators conducted under section
2 102(b)(2).

3 (vii) Ensure that such plan is coordi-
4 nated with State activities to turn around
5 schools identified for comprehensive sup-
6 port and improvement under section
7 1111(c)(4)(D)(i) of the Elementary and
8 Secondary Education Act of 1965 (20
9 U.S.C. 6311(c)(4)(D)(i)), including State
10 activities to improve secondary schools and
11 elementary schools.

12 (viii) Ensure that such plan includes
13 specific provisions to improve family and
14 community engagement in education in the
15 middle grades.

16 (b) PERMISSIBLE ACTIVITIES.—A State educational
17 agency that receives a grant under this title may use the
18 grant funds to—

19 (1) develop and encourage collaborations among
20 researchers at institutions of higher education, State
21 educational agencies, educational service agencies,
22 local educational agencies, and nonprofit organiza-
23 tions with demonstrated expertise in high-quality
24 middle grade interventions, to expand the use of ef-

1 fective practices in the middle grades and to improve
2 middle grade education;

3 (2) develop and facilitate collaboration among
4 institutions of higher education, nonprofit organiza-
5 tions, and other stakeholders involved in teacher and
6 school leader preparation to improve the quality and
7 delivery of preservice and in-service middle grades
8 teacher and school leader preparation to ensure new
9 and existing middle grade educators are prepared for
10 the specific and unique needs of middle grades stu-
11 dents;

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

15 (A) are evidence-based; and

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

18 (4) 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 (5) increase middle grades student and aca-
25 demic support services, such as—

1 (A) effective school library programs; and

2 (B) school counseling on the transition to
3 secondary school, such as summer bridge pro-
4 grams and student mentors, and planning for
5 entry into postsecondary education and the
6 workforce.

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 that are participating in
22 the 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 middle grade improvement plan described
8 in subsection (d); and

9 (2) a description of how activities described in
10 such plan will be complementary to, and coordinated
11 with, school improvement activities for elementary
12 schools and secondary schools that serve the same
13 students within the participating local educational
14 agency.

15 (d) MIDDLE GRADES IMPROVEMENT PLAN.—An eli-
16 gible local educational agency or eligible entity that desires
17 to receive a subgrant under subsection (a) shall develop
18 a comprehensive middle grades improvement plan for the
19 middle grades that shall—

20 (1) describe how activities described in such
21 plan will be coordinated with activities specified in
22 schoolwide program plans under section 1114 of the
23 Elementary and Secondary Education Act of 1965
24 (20 U.S.C. 6314);

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 eligible schools
5 with the highest percent of low-income students
6 first, based on the eligible schools' populations
7 of children described in section 102(c)(1);

8 (C) use funds to close achievement gaps
9 and improve the academic achievement of all
10 students, including English learners and stu-
11 dents with disabilities, 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 secondary school, such as attendance,
2 chronic absenteeism, behavior measures
3 (including suspensions, officer referrals, or
4 conduct marks), academic performance in
5 core courses, and earned on-time pro-
6 motion from grade-to-grade, and other rel-
7 evant indicator of student academic per-
8 formance as included in schoolwide pro-
9 gram plans under section 1114 of the Ele-
10 mentary and Secondary Education Act of
11 1965 (20 U.S.C. 6314);

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

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

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

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

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

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

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

9 (E) increase academic rigor and foster stu-
 10 dent engagement to ensure students are enter-
 11 ing secondary school prepared for success in a
 12 rigorous college- and career-ready curriculum,
 13 including a description of how such readiness
 14 will be measured;

15 (F) implement a systemic transition plan
 16 for all students and encourage collaboration
 17 among elementary grades, middle grades, and
 18 secondary school grades to support the success-
 19 ful transition between grades;

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

23 (H) provide evidence that the strategies,
 24 programs, supports, and instructional practices
 25 proposed under the middle grades improvement

1 plan are new and have not been implemented
2 before by the eligible local educational agency
3 or eligible entity; and

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

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

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

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

17 (A) experts—

18 (i) in areas of teaching and learning,
19 educational standards and assessments,
20 and school improvement;

21 (ii) in addressing the needs of stu-
22 dents with disabilities and English learners
23 in the middle grades; and

24 (iii) in the academic and behavioral
25 supports for middle grades students; and

1 (B) recognized exemplary middle grades
 2 teachers and principals who have been recog-
 3 nized at the State or national level for exem-
 4 plary work or contributions to the field.

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

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

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

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

1 (1) Align the curricula for grades kindergarten
2 through 12 for schools within the local educational
3 agency to improve transitions from elementary
4 grades to middle grades to secondary school grades.

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

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

11 (B) Implement evidence-based instructional
12 strategies, programs, and learning environments
13 that meet the needs of all students and ensure
14 that school leaders and teachers receive profes-
15 sional development on the use of these strate-
16 gies.

17 (C) Provide professional development for
18 school leaders, teachers, specialized instruc-
19 tional support personnel, school librarians, and
20 other school staff on the developmental stages
21 of adolescents in the middle grades and how to
22 deal with those stages appropriately in an edu-
23 cational setting.

24 (D) Implement organizational practices
25 and school schedules that allow for effective

1 leadership, collaborative staff participation, pro-
2 fessional development, effective teacher instruc-
3 tional teaming, and parent and community in-
4 volvement.

5 (E) Create a more personalized and engag-
6 ing learning environment for middle grades stu-
7 dents by developing a personal academic plan
8 for each student and assigning not less than 1
9 adult who has received the appropriate training
10 to monitor, evaluate, and support the progress
11 of each individual student attending the eligible
12 school.

13 (F) Provide all students, and the students'
14 families, with information about, and assistance
15 with, the requirements for secondary school
16 graduation, admission to an institution of high-
17 er education, and career success.

18 (G) Utilize data from an early warning in-
19 dicator and intervention system described in
20 subsection (d)(2)(D) to identify struggling stu-
21 dents and assist the students as the students
22 transition from elementary school to middle
23 grades to secondary school.

24 (H) Implement academic supports, such as
25 effective school library programs, and effective

1 and coordinated additional assistance programs
2 to ensure that students have a strong founda-
3 tion in reading, writing, mathematics, and
4 science skills.

5 (I) Develop and use effective, age- and
6 level-appropriate, formative assessments to in-
7 form instruction.

8 (J) Provide integrated student support
9 services, such as access to student health serv-
10 ices, mental health and trauma-informed care,
11 and individualized school counseling, to address
12 the comprehensive needs of students attending
13 eligible schools.

14 (h) PERMISSIBLE USES OF FUNDS.—An eligible local
15 educational agency or eligible entity that receives a
16 subgrant under subsection (a) may use the subgrant funds
17 to carry out the following:

18 (1) Implement extended learning opportunities
19 in core academic areas, including more instructional
20 time in literacy, mathematics, science, history, and
21 civics in addition to opportunities for language in-
22 struction and understanding other cultures and the
23 arts.

24 (2) Provide evidence-based professional develop-
25 ment activities with specific benchmarks to enable

1 teachers and other school staff to appropriately
2 monitor academic and behavioral progress of, and
3 modify curricula and implement accommodations
4 and assistive technology services for, students with
5 disabilities, consistent with the students' individual-
6 ized education programs under section 614(d) of the
7 Individuals with Disabilities Education Act (20
8 U.S.C. 1414(d)).

9 (3) Employ and use instructional coaches, in-
10 cluding literacy, mathematics, and English learner
11 coaches.

12 (4) Provide professional development for con-
13 tent-area teachers and school librarians on working
14 effectively with English learners and students with
15 disabilities, as well as professional development for
16 English as a second language educators, bilingual
17 educators, and special education personnel.

18 (5) Provide professional development in areas
19 that support improving school climate and increasing
20 student engagement such as culturally responsive
21 pedagogy, restorative justice programs, social and
22 emotional learning, response to intervention, and
23 positive behavior intervention support.

24 (6) Encourage and facilitate the sharing of data
25 among elementary grades, middle grades, secondary

1 school grades, institutions of higher education, and
 2 other postsecondary educational institutions.

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

11 (8) Incorporate as school quality and student
 12 success indicators into the State system of annual
 13 meaningful differentiation, as described under sec-
 14 tion 1111(c)(4)(C) of the Elementary and Secondary
 15 Education Act of 1965 (20 U.S.C. 6311(c)(4)(C)),
 16 for middle grades schools that feed into secondary
 17 schools, rates of first-year secondary school attend-
 18 ance, retention, and achievement to the account-
 19 ability system of each middle grades school that
 20 feeds into the secondary school.

21 (i) NON-RECIPIENT PLANNING SUBGRANTS.—

22 (1) IN GENERAL.—In addition to the subgrants
 23 described in subsection (a), a State educational
 24 agency may (without regard to the preceding provi-
 25 sions of this section) make planning subgrants, and

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

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

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

12 (a) DURATION OF GRANTS.—

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

17 (2) RENEWALS.—

18 (A) IN GENERAL.—Grants under this title
 19 and subgrants under section 104(a) may be re-
 20 newed in 2-year increments.

21 (B) CONDITIONS.—In order to be eligible
 22 to have a grant or subgrant renewed under this
 23 paragraph, the grant or subgrant recipient shall
 24 demonstrate, to the satisfaction of the granting
 25 entity, that—

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

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

7 (I) student academic achieve-
 8 ment; and

9 (II) positively impacting other
 10 key risk factors such as attendance,
 11 chronic absenteeism, and on-time pro-
 12 motion.

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 students par-
 21 ticipating in programs assisted under this title, and
 22 not 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 educational agency re-
9 ceiving a grant under 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 educational agency’s evaluation under
 13 subsection (a) available to other States and local edu-
 14 cational agencies.

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

20 (1) the performance on the school performance
 21 indicators (as described in section 103(a)(4)(B)(vi))
 22 for each eligible school served by the eligible local
 23 educational agency or eligible entity, in the aggre-
 24 gate and disaggregated by each of the subgroups of
 25 students, as defined in section 1111(c)(2) of the Ele-

1 elementary and Secondary Education Act of 1965 (20
2 U.S.C. 6311(c)(2)); 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 each of the subgroups of
14 students, as defined in section 1111(c)(2) of the Ele-
15 mentary and Secondary Education Act of 1965 (20
16 U.S.C. 6311(c)(2)); and

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

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 educational agency
23 reports under subsection (d); and

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

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

2 There are authorized to be appropriated to carry out
3 this title—

4 (1) \$500,000,000 for fiscal year 2020;

5 (2) \$525,000,000 for fiscal year 2021;

6 (3) \$550,000,000 for fiscal year 2022;

7 (4) \$600,000,000 for fiscal year 2023; and

8 (5) \$650,000,000 for fiscal year 2024.

9 **TITLE II—RESEARCH**
10 **RECOMMENDATIONS**

11 **SEC. 201. PURPOSE.**

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

17 **SEC. 202. STUDY ON PROMISING PRACTICES.**

18 (a) STUDY ON PROMISING PRACTICES.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the date of enactment of this Act, the Secretary
21 shall study and identify promising practices for the
22 improvement of middle grades education. The Sec-
23 retary may contract with an independent third
24 party, such as a nonprofit organization, nongovern-
25 mental organization, or institution of higher edu-
26 cation to satisfy this requirement.

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

8 (A) such promising practices;

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

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

13 (3) REPORT.—The contract entered into pursu-
14 ant to this subsection shall require that the inde-
15 pendent third party submit to the Secretary, the
16 Committee on Health, Education, Labor, and Pen-
17 sions of the Senate, and the Committee on Edu-
18 cation and Labor of the House of Representatives a
19 final report regarding the study conducted under
20 this section not later than 1 year after the date of
21 the commencement of the contract.

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

3 (1) IN GENERAL.—Not later than 60 days after
4 the date of enactment of this Act, the Secretary
5 shall enter into a contract with the National Acad-
6 emies to review existing research on middle grades
7 education, and on factors that might lead to in-
8 creased effectiveness and enhanced innovation in
9 middle grades education.

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

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

1 cess in secondary school, postsecondary edu-
2 cation, and cognitively challenging employment;

3 (B) the quality of (including experience,
4 certification, and demonstrated effectiveness),
5 and supports for, the teacher workforce;

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

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

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

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

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

1 of the House of Representatives a final report re-
2 garding the study conducted under this subsection
3 not later than 2 years after the date of commence-
4 ment of the contract.

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

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

11 (1) Create a national clearinghouse, in coordi-
12 nation with entities such as the What Works Clear-
13 inghouse of the Institute of Education Sciences, for
14 research in best practices in the middle grades and
15 in the approaches that successfully take those best
16 practices to scale in schools and local educational
17 agencies.

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

24 (3) Require the Institute of Education Sciences
25 to develop a strand of field-initiated and scientif-

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

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

16 (B) effective practices for developing in
 17 students the competencies of—

18 (i) the ability to acquire and use deep
 19 content knowledge to solve problems;

20 (ii) critical thinking;

21 (iii) effective communication;

22 (iv) self-direction; and

23 (v) the ability to collaborate;

24 (C) academic interventions for adolescent
 25 English learners;

(D) school improvement programs and strategies for closing the academic achievement gap between the different groups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), and for decreasing rates of suspension and expulsion;

(E) evidence-based or, when available, scientifically valid professional development planning targeted to improve pedagogy and student academic achievement and student engagement; and

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

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

(A) curricular, instructional, and assessment issues pertinent to the middle grades (such as mathematics, science, technological fluency, and the needs of English learners and students with disabilities);

1 (B) comprehensive reforms for low-per-
 2 forming middle grades; and

3 (C) other topics pertinent to improving the
 4 academic achievement of middle grades stu-
 5 dents.

6 (5) Provide grants to nonprofit organizations,
 7 for-profit organizations, institutions of higher edu-
 8 cation, and others to partner with State educational
 9 agencies and local educational agencies to develop,
 10 adapt, or replicate effective models for turning
 11 around low-performing schools serving middle grades
 12 students.

13 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
 14 **TIONS.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated to carry out this title
 17 \$50,000,000 for fiscal year 2020, which amount shall re-
 18 main available for obligation through fiscal year 2024.

19 (b) RESERVATIONS.—From the total amount made
 20 available to carry out this title, the Secretary shall re-
 21 serve—

22 (1) 2.5 percent for the studies described in sub-
 23 sections (a) and (b) of section 202;

24 (2) 5 percent for the clearinghouse described in
 25 section 202(c)(1);

1 (3) 5 percent for the database described in sec-
2 tion 202(c)(2);

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

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

7 (6) 30 percent for the activities described in
8 section 202(c)(5).

○