

111TH CONGRESS
1ST SESSION

H. R. 4122

To support high-need middle and high schools in order to improve students' academic achievement, graduation rates, postsecondary readiness, and preparation for citizenry.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2009

Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mr. GRIJALVA, Mr. LOEBSACK, Mr. DAVIS of Illinois, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To support high-need middle and high schools in order to improve students' academic achievement, graduation rates, postsecondary readiness, and preparation for citizenry.

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 “Graduation for All
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) A high school diploma and postsecondary
2 training are increasingly important for success in
3 the 21st century economy. In fact, nearly 90 percent
4 of the fastest-growing, highest-paying jobs require
5 education beyond high school.

6 (2) About 1,200,000 high school students,
7 which is approximately one-third of all high school
8 students, do not to graduate every year. According
9 to the Department of Education, the 2009 United
10 States high school graduation rate was the lowest
11 the rate since 2002.

12 (3) Dropouts earn less and require greater pub-
13 lic assistance than high school completers. Compared
14 to the 11 percent of high school graduates, 25 per-
15 cent of dropouts were unemployed for a year or
16 more between 1997 and 2001. Dropouts create an
17 annual estimated cost of \$24,000,000,000 to the
18 public.

19 (4) Only 16 percent of the Nation's 50 largest
20 school districts have a graduation rate that is equal
21 to or greater than the national average. Additionally,
22 the Nation's 50 largest cities graduate about 59 per-
23 cent of students on time, compared to 77 percent of
24 students in nearby suburban communities.

1 (5) The national graduation rate is 70 percent.
2 The graduation rates for minority groups are far
3 lower than that of their peers. Only 55 percent of
4 Black students, 58 percent of Latino students, and
5 51 percent of Native American students graduate,
6 while their nonminority peers graduate at a rate of
7 76 percent. And, only 56 percent of all students with
8 disabilities earn diplomas. Additionally, 35 percent
9 of Black students and 29 percent of Latino stu-
10 dents, compared to only 11 percent of White stu-
11 dents, attend high schools in which graduation is not
12 the norm.

13 (6) There is a gender gap in national gradua-
14 tion rates, with 72 percent of female students grad-
15 uating compared to 65 percent of males. This gap
16 is especially large among minority groups. Only 48
17 percent of African-American male students graduate,
18 whereas 59 percent of African-American female stu-
19 dents graduate. Among Latino students, 58 percent
20 of female students graduate compared to 49 percent
21 of male students.

22 (7) Approximately half of the Nation’s students
23 who drop out of high school were previously enrolled
24 in a “dropout factory”—a school where 40 percent
25 or more of the students in the freshman class have

1 dropped out by the time the students reach their
2 senior year. These schools are located in nearly every
3 State and disproportionately serve minority and poor
4 students.

5 (8) Investing in the expansion of dual enroll-
6 ment and early college programs can help individuals
7 earn credit toward postsecondary education while si-
8 multaneously earning high school credit. These pro-
9 grams increase high school graduation rates and the
10 percentage of students who complete a recognized
11 postsecondary credential by the age of 26, including
12 low-income students and students from other popu-
13 lations underrepresented in higher education.

14 (9) Lack of basic skills at the end of the middle
15 school grades has serious implications for students.
16 Students who enter high school 2 or more years be-
17 hind grade level in mathematics and literacy have
18 only a 50 percent chance of progressing on time to
19 the tenth grade. Those students who do not progress
20 on time to the tenth grade are at significant risk of
21 dropping out of high school.

22 (10) High school dropouts are 3½ times more
23 likely than high school graduates to be arrested and
24 8 times more likely to be incarcerated. Nearly 70
25 percent of inmates in our Nation's prisons did not

1 earn a high school diploma. Moreover, raising the
2 high school completion rate one percent for men be-
3 tween ages 20 and 60 would save the United States
4 \$1,400,000,000 annually in crime-related costs.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are—

7 (1) to address the dropout crisis by supporting
8 local educational agencies in improving the achieve-
9 ment, increasing the graduation rates, increasing the
10 college enrollment and postsecondary persistence
11 rates, and improving preparation for citizenry, of
12 students attending the Nation’s lowest-performing
13 high schools and their feeder middle schools;

14 (2) to support comprehensive data-based school
15 reforms and the creation of new schools, including
16 charter schools and other innovative school models,
17 such as magnet schools, to prepare students for suc-
18 cess in postsecondary education and 21st century ca-
19 reers;

20 (3) to provide targeted, intensive support and
21 effective interventions to reform schools with high
22 dropout and low graduation rates through dropout
23 prevention, college readiness, and credit recovery
24 programs; and

1 (4) to conduct an extensive evaluation of reform
2 efforts and disseminate the results of such efforts in
3 order to ensure the success of future middle school
4 and high school reform efforts.

5 **TITLE I—IMPROVING STUDENT**
6 **ACADEMIC ACHIEVEMENT,**
7 **GRADUATION RATES, AND**
8 **POSTSECONDARY READINESS**
9 **IN HIGH SCHOOLS AND MID-**
10 **DLE SCHOOLS**

11 **SEC. 101. RESERVATION OF FUNDS; FUNDING REQUIRE-**
12 **MENT.**

13 (a) RESERVATION OF FUNDS.—Of the amounts ap-
14 propriated under section 106 to carry out this title for
15 a fiscal year, the Secretary shall reserve not more than
16 2 percent, not to exceed \$10,000,000, for carrying out sec-
17 tion 105(b).

18 (b) FUNDING REQUIREMENT.—In order to ensure a
19 diversity of Models for Success described in section section
20 103(b)(1)(B), and to provide sufficient examples for the
21 carried out evaluation under section 105(b), the Secretary
22 shall ensure that during each 3-year grant cycle, by the
23 end of each 3rd fiscal year for which funds have been ap-
24 propriated to carry out this title—

1 (1) not less than 15 percent of the total number
2 of eligible entities receiving grant funds under this
3 title use such funds to carry out the transformation
4 model described in section 103(b)(1)(B)(i) in at
5 least one eligible middle school or eligible high
6 school;

7 (2) not less than 15 percent of the total number
8 of eligible entities receiving grant funds under this
9 title use such funds to carry out the turnaround
10 model described in section 103(b)(1)(B)(ii) in at
11 least one eligible middle school or eligible high
12 school;

13 (3) not less than 15 percent of the total number
14 of eligible entities receiving grant funds under this
15 title use such funds to carry out the restart model
16 described in section 103(b)(1)(B)(iii) in at least one
17 eligible middle school or eligible high school; and

18 (4) not less than 15 percent of the total number
19 of eligible entities receiving grant funds under this
20 title use such funds to carry out the close-down
21 model described in section 103(b)(1)(B)(iv) in at
22 least one eligible middle school or eligible high
23 school.

1 **SEC. 102. GRANTS AUTHORIZED.**

2 (a) GRANTS AUTHORIZED.—From the amount re-
3 maining after making the reservation described in section
4 101(a), the Secretary shall award grants, on a competitive
5 basis, to eligible entities to improve student academic
6 achievement, graduation rates, and postsecondary readi-
7 ness in participating middle schools and participating high
8 schools in such eligible entities by carrying out the activi-
9 ties described in section 103.

10 (b) GRANT PERIOD.—A grant under this title—

11 (1) shall be awarded to an eligible entity for a
12 3-year period; and

13 (2) subject to subsection (e)(2), may be renew-
14 able for an additional 3-year period if the Secretary
15 determines that the eligible entity has, by the end of
16 the first 3-year grant period, effectively improved
17 student achievement, graduation rates, and postsec-
18 ondary school readiness in participating middle
19 schools and participating high schools by, at a min-
20 imum—

21 (A) dramatically increasing the graduation
22 rate in participating high schools in the aggre-
23 gate and disaggregated for subgroups in the
24 same manner as described in section
25 1111(b)(2)(C)(II) of the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C.
2 6311(6)(2)(C)(II));

3 (B) dramatically increasing the percentage
4 of students who attend at least 90 percent of
5 the schools days in a school year in partici-
6 pating high schools or participating middle
7 schools;

8 (C) dramatically increasing the percentage
9 of students passing math and English courses
10 in participating middle schools;

11 (D) dramatically increasing the percentage
12 of students passing all courses required for
13 graduation from secondary school; and

14 (E) meeting the graduation goals estab-
15 lished in section 104(a)(5).

16 (c) FEDERAL SHARE, NON-FEDERAL SHARE.—

17 (1) FEDERAL SHARE.—The Federal share of a
18 grant under this title shall be not more than 75 per-
19 cent of the costs of the activities assisted under the
20 grant.

21 (2) NON-FEDERAL SHARE.—

22 (A) IN GENERAL.—The non-Federal share
23 of a grant under this title shall be not less than
24 25 percent of the costs of the activities assisted
25 under the grant.

1 (B) IN-KIND CONTRIBUTIONS.—An eligible
2 entity may use in-kind contributions to meet
3 the non-Federal share requirement described in
4 subparagraph (A).

5 (3) WAIVER.—The Secretary may reduce the
6 amount of the non-Federal share of an eligible entity
7 if the eligible entity demonstrates to the Secretary
8 that such funds are unavailable due to economic
9 hardship, as defined by the Secretary.

10 (d) SUPPLEMENT, NO SUPPLANT.—An eligible entity
11 that receives a grant under this title shall use the grant
12 funds to supplement, and not supplant, other Federal and
13 non-Federal funds available to eligible middle schools and
14 eligible high schools.

15 (e) MAINTENANCE OF EFFORT.—

16 (1) IN GENERAL.—A local educational agency
17 may receive funds under this title for any fiscal year
18 only if the State educational agency finds that either
19 the combined fiscal effort per student or the aggregate
20 expenditures of that agency and the State with
21 respect to the provision of free public education by
22 that agency for the preceding fiscal year was not
23 less than 90 percent of such combined fiscal effort
24 or aggregate expenditures for the second preceding
25 fiscal year.

1 (2) RENEWAL.—In the case of a grant that is
2 renewed in accordance with subsection (b)(2), the
3 Secretary shall make a grant payment for each year
4 of the renewal only if a State demonstrates, to the
5 satisfaction of the Secretary, that the State has the
6 met the maintenance of effort requirement described
7 in paragraph (1).

8 (3) FINANCIAL HARDSHIP WAIVER.—A State or
9 eligible entity may apply to the Secretary for a waiv-
10 er of, and the Secretary may waive, the require-
11 ments of this subsection if the State is experiencing
12 a financial hardship.

13 **SEC. 103. USES OF FUNDS.**

14 (a) IN GENERAL.—An eligible entity receiving a
15 grant under this title shall use the funds made available
16 under the grant to improve the academic achievement,
17 graduation rates, postsecondary readiness, and postsec-
18 ondary enrollment of students enrolled in each partici-
19 pating middle school and participating high school in the
20 eligible entity by carrying out the activities described in
21 subsection (b).

22 (b) ACTIVITIES.—An eligible entity shall carry out
23 the following activities:

1 (1) Implementing, for each participating middle
2 school and participating high school in the eligible
3 entity—

4 (A) an Early Warning System (as defined
5 in section 401(8)); and

6 (B) a Model for Success that uses evi-
7 dence-based strategies and materials to provide
8 rigorous and relevant curricula and instruction
9 to personalize the secondary school experience
10 and improve school climate, which is selected by
11 the eligible entity for each such school from
12 among the following models:

13 (i) TRANSFORMATION MODEL.—A
14 “transformation model” means a model
15 that includes—

16 (I) evidence based strategies and
17 materials to provide rigorous relevant
18 curricula and instruction; and

19 (II) increasing teacher and school
20 leader effectiveness by implementing
21 on-site professional development ac-
22 tivities, such as mentoring and induc-
23 tion programs for new teachers and
24 career-ladder opportunities for all

1 teachers, that respond to student and
2 schoolwide needs.

3 (ii) TURNAROUND MODEL.—A “turn-
4 around model” means a model that in-
5 cludes—

6 (I) evidence based strategies and
7 materials to provide rigorous relevant
8 curricula and instruction;

9 (II) replacing the principal, in
10 cases in which student achievement
11 has declined during the history of the
12 principal’s tenure, with a new prin-
13 cipal; and

14 (III) reassigning or replacing
15 each of the teachers who are assigned
16 to teach subjects for which they do
17 not have subject-matter expertise, or
18 are not highly-qualified, with teachers
19 who have subject-matter expertise in
20 each subject that they teach and are
21 highly-qualified.

22 (iii) RESTART MODEL.—A “restart
23 model” means a model under which the eli-
24 gible entity closes a school and reopens it
25 under a school management organization

1 or charter management organization that
2 will—

3 (I) provide new leadership, new
4 staff, new instructional programs; and

5 (II) allow all students who were
6 enrolled in the school prior to its clo-
7 sure to enroll in the school when it re-
8 opens.

9 (iv) CLOSE-DOWN MODEL.—A “close-
10 down model” means a model—

11 (I) under which a school is closed
12 and students are re-enrolled in other,
13 higher-achieving schools (which may
14 include new schools or charter
15 schools) under the jurisdiction of the
16 eligible entity; and

17 (II) that allows school employees
18 who were employed at the school that
19 has been closed to re-apply for posi-
20 tions in the new schools.

21 (2) Monitoring and supporting each Graduation
22 Improvement Team serving a participating middle
23 school or participating high school in the eligible en-
24 tity in carrying out the activities described in section
25 104(a)(3)(A).

1 (3) Providing school leadership teams, including
2 the principal at each participating middle school and
3 participating high school, with more operating flexi-
4 bility with respect to staffing, evaluation, leadership
5 structure, program, budget, scheduling, and use of
6 school-time decisions.

7 (4) Providing academically rigorous education
8 options that lead to a diploma consistent with readi-
9 ness for postsecondary education based on an anal-
10 ysis of the data available under the Early Warning
11 Data System, and are designed to meet the stu-
12 dents' needs, such as effective research-based drop-
13 out prevention, credit and dropout recovery, and re-
14 cuperation education programs for students who are
15 not making sufficient program towards graduation
16 or who have dropped out.

17 (5) Providing information and assistance about
18 requirements for high school graduation, college ad-
19 mission, college financial assistance programs, and
20 college and career success for all students enrolled in
21 each such school, including—

22 (A) assistance in completing the FAFSA
23 (as referred to in section 483 of the Higher
24 Education Act (20 U.S.C. 1090));

1 (B) information about Federal student aid
2 programs for which students may be eligible, in-
3 cluding Federal student loans, Federal Pell
4 grants, and Federal work study programs avail-
5 able pursuant to title IV of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1070 et seq.);
7 and

8 (C) promotion of existing guidance re-
9 sources with respect to such Federal student
10 aid programs available to students and families.

11 (6) Engaging parents and community partners
12 around school improvement activities carried out
13 under this section and providing parents with the
14 tools to navigate, support, and influence their chil-
15 dren's academic career and choices.

16 (7) Assisting participating middle schools and
17 participating high schools with costs associated with
18 the implementation of the programs described in
19 paragraph (4), including transportation costs and, in
20 the case of a school in which the eligible entity has
21 carried out a close-down model, other costs associ-
22 ated with providing extra supports to students who
23 are re-enrolled in higher-achieving schools in the eli-
24 gible entity pursuant to such model.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be construed to alter or otherwise affect the
 3 rights, remedies, and procedures afforded school or dis-
 4 trict employees under Federal, State, or local laws (includ-
 5 ing applicable regulations or court orders) or under the
 6 terms of collective bargaining agreements, memoranda of
 7 understanding or other agreements between such employ-
 8 ees and their employers.

9 **SEC. 104. APPLICATION; APPLICATION REVIEW AND AWARD**
 10 **BASIS.**

11 (a) APPLICATION.—An eligible entity desiring a grant
 12 under this title shall submit an application to the Sec-
 13 retary at such time, in such manner, and containing such
 14 information as the Secretary may require. The application
 15 shall, at a minimum, include the following information:

16 (1) IDENTIFICATION OF SCHOOLS.—An identi-
 17 fication—

18 (A) of the eligible high schools and the eli-
 19 gible middle schools under the jurisdiction of
 20 the eligible entity; and

21 (B) of the high schools and feeder middle
 22 schools of such high schools identified pursuant
 23 to subparagraph (A) that will be served by the
 24 grant awarded to the eligible entity.

25 (2) NEEDS ANALYSIS.—

1 (A) IN GENERAL.—An assurance that the
2 eligible entity will conduct a needs analysis de-
3 scribed in subparagraph (B) for each partici-
4 pating middle school and participating high
5 school to assist the entity in determining which
6 Model of Success described in section
7 103(b)(1)(B) to carry out in each such school.

8 (B) DESCRIPTION.—A needs analysis de-
9 scribed in this subparagraph shall include—

10 (i) an analysis of the needs of the stu-
11 dent population in a school, including—

12 (I) a determination of the num-
13 ber of students that are not meeting
14 the State’s proficient level of academic
15 achievement on the State assessments
16 under section 1111(b)(3) of the Ele-
17 mentary and Secondary Education
18 Act of 1965 (20 U.S.C. 6311(b)(3))
19 and an identification of the academic
20 subjects and grade levels in which the
21 students are failing to meet such level
22 of academic achievement; and

23 (II) the specific needs of students
24 facing significant barriers to high
25 school graduation, such as students

1 with limited English proficiency, stu-
2 dents with disabilities, students who
3 are homeless children and youths, stu-
4 dents who are foster care or are aging
5 out of the foster care system, or other
6 disconnected students;

7 (ii) an analysis of the number, experi-
8 ence, training level, responsibilities, and re-
9 tention rates of existing administrative, in-
10 structional, and noninstructional staff for
11 a school;

12 (iii) in determining which Model of
13 Success may be the most practical to carry
14 out in a school—

15 (I) a review of the school's budg-
16 et, including how Federal, State, and
17 local funds are being spent, as of the
18 time of the analysis, for instruction
19 and operations at the school level for
20 staff salaries, instructional materials,
21 professional development, and student
22 support services, in order to establish
23 the extent to which existing resources
24 need to, and can be reallocated, or

1 better coordinated, with activities to
2 improve the school;

3 (II) a review of the additional re-
4 sources and staff necessary to imple-
5 ment, at the school, the activities
6 identified under a Model for Success;
7 and

8 (III) an analysis of the capacity
9 of the eligible entity to provide tech-
10 nical assistance, additional staff, and
11 resources to implement activities iden-
12 tified under a Model for Success; and

13 (iv) a comparison of the ratio of high-
14 ly-qualified teachers with subject matter
15 expertise in the subjects they teach in eligi-
16 ble middle schools and eligible high schools
17 served by the eligible entity, compared to
18 the highest-achieving schools served by the
19 eligible entity.

20 (3) SELECTION OF MODELS OF SUCCESS.—A
21 selection of a Model of Success described in section
22 103(b)(1)(B) for each participating middle school
23 and participating high school that is made after con-
24 ducting a needs analysis described in paragraph (2).

25 (4) GRADUATION IMPROVEMENT TEAM.—

1 (A) IN GENERAL.—An assurance that the
2 eligible entity will establish, for each partici-
3 pating middle school and participating high
4 school in which the entity will carry out a
5 Model of Success described in clause (i), (ii), or
6 (iii) of section 103(b), a Graduation Improve-
7 ment Team described in subparagraph (B) that,
8 with respect to each such school—

9 (i) assists the eligible entity in—

10 (I) implementing such Models;

11 and

12 (II) maintaining the Early Warn-

13 ing System (as defined in section

14 401(8)) and identifying and imple-

15 menting the necessary evidenced-

16 based interventions under the inter-

17 vention component of such system;

18 and

19 (ii) provides consultation to the eligi-

20 ble entity in carrying out the activities de-

21 scribed in section 103.

22 (B) MEMBERS.—A Graduation Improve-
23 ment Team—

24 (i) shall include—

1 (I) a principal or school leader
2 from the participating middle school
3 or participating high school;

4 (II) at least 2 teachers rep-
5 resenting different grade levels or dis-
6 ciplines from the participating middle
7 school or participating high school;

8 (III) specialized instructional
9 services personnel;

10 (IV) staff of the eligible entity;
11 and

12 (V) a representative from a tech-
13 nical assistance provider or a non-
14 profit organization with demonstrated
15 expertise in analyzing performance
16 data and a demonstrated record of
17 success—

18 (aa) in improving student
19 achievement or graduation or col-
20 lege enrollment rates;

21 (bb) restructuring low-per-
22 forming middle schools or high
23 schools; and

24 (cc) in carrying out activities
25 relative to the needs of the stu-

1 dent population (including needs
2 related to linguistic and cultural
3 diversity, varied learning styles,
4 and youth facing significant ob-
5 stacles to graduation) in the par-
6 ticipating middle school or par-
7 ticipating high school;

8 (VI) a representative from a
9 school management organization,
10 which may include charter manage-
11 ment organizations;

12 (VII) a representative from a
13 teacher organization; and

14 (VIII) one individual from among
15 each of the following community rep-
16 resentatives—

17 (aa) parents, including par-
18 ents of students at-risk of drop-
19 ping out of the participating
20 school; and

21 (bb) nonprofit organizations
22 serving young people (such as
23 those that provide behavioral or
24 mental health services, job train-
25 ing and apprenticeship programs,

1 job placement and retention
2 training, education and after
3 school programs, mentoring pro-
4 grams, conflict resolution, sports,
5 arts, life skills, or supports for
6 youth who have dropped out of
7 school, are at risk of dropping
8 out, or demonstrate chronic tru-
9 ancy); and

10 (ii) may include representatives
11 from—

12 (I) the State educational agency
13 serving the eligible entity;

14 (II) philanthropic organizations;

15 (III) the business community;

16 (IV) an institution of higher edu-
17 cation; and

18 (V) a county, city, or other local
19 unit of government.

20 (5) EARLY WARNING SYSTEM.—Provide an as-
21 surance that the eligible entity will, for each partici-
22 pating middle school and participating high school,
23 establish and, in consultation with each Graduation
24 Improvement Team at each such school, if applica-
25 ble, maintain an Early Warning System (as defined

1 in section 401(8)) and identify and implement nec-
2 essary evidenced-based interventions under the inter-
3 vention component of such system.

4 (6) ENSURING EQUITY IN TEACHER DISTRIBUTION.—
5

6 (A) INTEGRATION WITH STATE TEACHER
7 EQUITY PLAN.—Demonstrate how each partici-
8 pating middle school and participating high
9 school in the eligible entity and the implementa-
10 tion of the Model of Success selected for each
11 such school will meet the requirements of the
12 State Plan of the State in which the eligible en-
13 tity is located described in section
14 1111(b)(8)(C) of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C.
16 6311(b)(8)(C)) to ensure that low-income and
17 minority children are not taught at higher rates
18 than other children by out-of-field, inexperi-
19 enced, or unqualified teachers.

20 (B) INTEGRATION WITH AMERICAN RECOV-
21 ERY AND REINVESTMENT ACT TEACHER EQUITY
22 ASSURANCE.—Demonstrate how each partici-
23 pating middle school and participating high
24 school in the eligible entity and the implementa-
25 tion of the Model of Success selected for each

1 such school will meet the requirements of the
2 State assurance provided by the State in which
3 the eligible entity is located pursuant to section
4 14005(d)(2) of the American Recovery and Re-
5 investment Act of 2009 (Public Law 111–5)
6 to—

7 (i) take actions to improve teacher ef-
8 fectiveness;

9 (ii) address inequities in the distribu-
10 tion of highly qualified teachers between
11 high- and low-poverty schools; and

12 (iii) ensure that low-income and mi-
13 nority children are not taught at higher
14 rates than other children by inexperienced,
15 unqualified, or out-of-field teachers.

16 (C) TEACHER EQUITY FOR STUDENTS
17 WITH DISABILITIES.—Demonstrate how each
18 participating middle school and participating
19 high school and the implementation of the
20 Model of Success selected for each such school
21 will ensure that students with disabilities are
22 not taught at higher rates than other children
23 by inexperienced, unqualified, or out-of-field
24 teachers.

1 (7) SUSTAINABLE RESOURCES AND SUPPORT.—

2 Demonstrate that the eligible entity has the re-
3 sources and support to sustain and further improve
4 student achievement and graduation rates following
5 the completion of the 3-year grant period.

6 (8) GRADUATION RATE GOALS.—Provide ambi-

7 tious goals, as defined by the Secretary, for gradua-
8 tion rate improvement for the students in the sub-
9 groups described in section 1111(b)(2)(C)(II) of the
10 Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 6311(6)(2)(C)(II)) at each participating
12 high school.

13 (b) APPLICATION REVIEW AND RENEWAL.—The Sec-
14 retary shall—

15 (1) establish a peer review process to assist in
16 the review of the grant applications and approval of
17 the grants under this title;

18 (2) appoint to the peer review team—

19 (A) individuals who are educators or ex-
20 perts in—

21 (i) innovative education models;

22 (ii) secondary school reform;

23 (iii) school accountability;

24 (iv) postsecondary education prepara-
25 tion and access; and

1 (v) workforce preparation; and

2 (B) not less than 1 parent or community
3 representative; and

4 (3) ensure that each grant award is of suffi-
5 cient size and scope to carry out the activities pro-
6 posed in the grant application, including the evalua-
7 tion required under section 105(c).

8 (c) AWARD BASIS.—In awarding grants under this
9 title the Secretary shall ensure a diversity of grant awards
10 to eligible entities in both urban and rural areas and
11 prioritize applications from—

12 (1) eligible entities serving eligible high schools
13 with the lowest graduation rates in the State in
14 which the eligible entity is located;

15 (2) eligible entities serving eligible middle
16 schools and eligible high schools and with the high-
17 est poverty rates in the State in which the eligible
18 entity is located;

19 (3) eligible entities that demonstrate support
20 for grants awarded under this title from—

21 (A) key stake holders (including the local
22 teachers' union);

23 (B) the charter school authorizers of the
24 State in which the eligible entity is located; and

1 (C) other State and local leaders (which
2 may include leaders of civil rights, business,
3 and education associations);

4 (4) eligible entities that partner with an exter-
5 nal assistance organization with a demonstrated
6 record of success with respect to the needs of the
7 student population; and

8 (5) eligible entities serving geographic areas, in-
9 cluding rural and urban areas, with significant eco-
10 nomic distress, as defined by the Secretary.

11 **SEC. 105. EVALUATION AND REPORTING.**

12 (a) REPORTING.—Each eligible entity receiving a
13 grant under this title shall collect and report annually to
14 the Secretary such information on the results of the activi-
15 ties assisted under the grant as the Secretary may reason-
16 ably require, including information (disaggregated in the
17 same manner as described in section 1111(h)(1)(C)(i) of
18 the Elementary and Secondary Education Act of 1965 (20
19 U.S.C. 6311(h)(1)(C)(i), and cross-tabulated by race, eth-
20 nicity, and gender)) on—

21 (1) the number and percentage of students
22 served, by grade level;

23 (2) with respect to each participating middle
24 school and participating high school in the eligible
25 entity—

1 (A) academic achievement data, including
2 the percentage of students scoring advanced
3 proficient, basic, and below basic on the State
4 assessments described in section 1111(b)(3) of
5 the Elementary and Secondary Education Act
6 of 1965 (20 U.S.C. 6311(b)(3));

7 (B) high school graduation rate data;

8 (C) the percentage of students—

9 (i) enrolled in Advanced Placement
10 courses; and

11 (ii) who passed Advanced Placement
12 exams;

13 (D) college enrollment rate data;

14 (E) postsecondary persistence rate data;

15 and

16 (F) the percentage of core courses taught
17 by teachers with subject matter expertise in
18 such courses.

19 (b) EVALUATION; BEST PRACTICES.—

20 (1) IN GENERAL.—From amounts reserved
21 under section 101(a), the Secretary shall enter into
22 a contract with an outside evaluator to carry out the
23 following:

24 (A) EVALUATION.—

1 (i) IN GENERAL.—Conducting a com-
2 prehensive evaluation at the end of the 3rd
3 fiscal year that funds are appropriated to
4 carry out this title on the effectiveness of
5 all grants awarded to eligible entities
6 under this title, including a comparison of
7 the data on student achievement described
8 in clause (ii) among participating middle
9 schools and participating high schools in
10 which the eligible entities carried out a
11 Model of Success described in—

12 (I) section 103(b)(1)(B)(i);

13 (II) section 103(b)(1)(B)(ii);

14 (III) section 103(b)(1)(B)(iii);

15 and

16 (IV) section 103(b)(1)(B)(iv).

17 (ii) DATA.—The data on student
18 achievement described in this clause shall
19 include—

20 (I) student academic achievement

21 data;

22 (II) high school graduation rate

23 data;

24 (III) college enrollment rate data;

25 and

1 (IV) postsecondary persistence
2 rate data.

3 (B) BEST PRACTICES.—Disseminating best
4 practices in improving the achievement of mid-
5 dle school and high school students.

6 (C) TECHNICAL ASSISTANCE.—Providing
7 technical assistance to eligible entities that re-
8 ceive a grant under this title.

9 (2) PEER REVIEW.—

10 (A) IN GENERAL.—An evaluator receiving
11 a contract under this subsection shall—

12 (i) establish a peer-review process to
13 assist in the review and approval of the
14 evaluations conducted under this sub-
15 section; and

16 (ii) appoint individuals to the peer-re-
17 view process who are—

18 (I) educators and experts in—

19 (aa) research and evalua-
20 tion; and

21 (bb) the areas of expertise
22 described in section section
23 104(b)(2)(A); and

24 (II) independent of the eligible
25 entities that receive grants under this

1 title and the Graduation Improvement
 2 Teams served by such grants.

3 (B) RESTRICTIONS ON USE.—The Sec-
 4 retary shall not distribute or use the results of
 5 any evaluation described in paragraph (1)(A)
 6 until the results are peer-reviewed in accord-
 7 ance with subparagraph (A).

8 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to carry out
 10 this title, \$2,000,000,000 for fiscal year 2011, and such
 11 sums as may be necessary for each of the 5 succeeding
 12 fiscal years.

13 **TITLE II—FAST TRACK TO COL-**
 14 **LEGE DEMONSTRATION PRO-**
 15 **GRAM**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “Fast Track to College
 18 Act of 2009”.

19 **SEC. 202. PURPOSE.**

20 The purpose of this title is to increase high school
 21 graduation rates and the percentage of students, including
 22 low-income students and students from populations under-
 23 represented in higher education, who complete a recog-
 24 nized postsecondary credential by the age of 26.

1 **SEC. 203. ELIGIBLE ENTITY.**

2 In this title, the term “eligible entity” means a local
3 educational agency—

4 (1) that is—

5 (A) eligible for funding under section 1125
6 of the Elementary and Secondary Education
7 Act of 1965; or

8 (B) a Bureau-funded school; and

9 (2) that partners with an institution of higher
10 education to establish, or support an existing, early
11 college high school or dual enrollment program.

12 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
13 **TIONS.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—To carry
15 out this title, there are authorized to be appropriated
16 \$150,000,000 for fiscal year 2011 and such sums as may
17 be necessary for each of the 5 succeeding fiscal years.

18 (b) RESERVATIONS.—Of the amount appropriated
19 under subsection (a) for a fiscal year, the Secretary shall
20 reserve—

21 (1) at least 40 percent to award grants to eligi-
22 ble entities that establish a new, or support an exist-
23 ing, early college high school in accordance with sec-
24 tion 206;

25 (2) at least 40 percent to award grants to eligi-
26 ble entities that establish a new, or support an exist-

1 ing, dual enrollment program in accordance with
2 section 206; and

3 (3) not more than 5 percent for the purpose of
4 conducting the national evaluation and providing
5 technical assistance activities to grant recipients
6 under sections 209(d) and 209(e).

7 **SEC. 205. AUTHORIZED PROGRAM.**

8 (a) IN GENERAL.—From the amount appropriated
9 under section 204(a), the Secretary is authorized to award
10 6-year grants to eligible entities seeking to establish a new,
11 or support an existing, early college high school or dual
12 enrollment program in accordance with section 206.

13 (b) GRANT AMOUNT.—

14 (1) IN GENERAL.—Subject to paragraph (1),
15 the Secretary shall ensure that grants are of suffi-
16 cient size to enable grantees to—

17 (A) carry out all required activities de-
18 scribed in section 106(a); and

19 (B) otherwise meet the purpose of this
20 title.

21 (2) LIMITATION.—The amount of a grant
22 awarded under this title shall not exceed
23 \$2,000,000.

24 (c) MATCHING REQUIREMENT.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under this title, an eligible entity shall con-
3 tribute non-Federal matching funds toward the costs
4 of the early college high school or dual enrollment
5 program to be supported under the grant in an
6 amount equal to not less than the applicable percent
7 of the amount of the grant.

8 (2) APPLICABLE PERCENTAGE.—For purposes
9 of paragraph (1), the applicable percentage means—

10 (A) 20 percent in the first fiscal year of
11 the grant;

12 (B) 20 percent in the second fiscal year of
13 the grant;

14 (C) 30 percent in the third fiscal year of
15 the grant;

16 (D) 30 percent in the fourth fiscal year of
17 the grant;

18 (E) 40 percent in the fifth fiscal year of
19 the grant; and

20 (F) 50 percent in the sixth fiscal year of
21 the grant.

22 (3) DETERMINATION OF AMOUNT CONTRIB-
23 UTED.—The non-Federal share may be in cash or in
24 kind.

1 (4) WAIVER.—The Secretary may waive or re-
2 duce the amount of the non-Federal share of an eli-
3 gible entity if the eligible entity demonstrates ex-
4 treme economic distress, as determined by the Sec-
5 retary.

6 (d) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
7 ty shall use a grant received under this title only to supple-
8 ment, and not supplant, non-Federal funds that would, in
9 the absence of such grant, be made available to support
10 the activities described in the eligible entity’s application
11 under section 207.

12 (e) PRIORITY.—In awarding grants under this sec-
13 tion, the Secretary shall give priority to applicants—

14 (1) receiving a grant under title I of this Act;
15 and

16 (2) whose applications demonstrate that they
17 will use the grant funds received under this title to
18 serve geographic areas with severe economic distress,
19 as determined by the Secretary.

20 **SEC. 206. USES OF FUNDS.**

21 (a) REQUIRED ACTIVITIES.—An eligible entity shall
22 use grant funds received under this title to support the
23 activities described in its application under section 207,
24 which shall include the following:

1 (1) PLANNING YEAR.—In the case of an eligible
2 entity establishing a new early college high school or
3 dual enrollment program, during the first year of
4 the grant, the eligible entity shall use the grant
5 funds to—

6 (A) hire a principal and staff, as appro-
7 priate;

8 (B) design the curriculum and sequence of
9 courses in collaboration with (at a minimum)
10 teachers from the local educational agency and
11 faculty from the partner institution of higher
12 education;

13 (C) inform parents and the community
14 about the school or program and opportunities
15 to become actively involved in the school or pro-
16 gram;

17 (D) establishing a course articulation proc-
18 ess for defining and approving courses for high
19 school and college credit;

20 (E) outreach programs to ensure that mid-
21 dle school and high school students and their
22 families are aware of the early college high
23 school or dual enrollment program;

24 (F) liaison activities among partners in the
25 eligible entity; and

1 (G) coordinating secondary and postsec-
2 ondary support services, academic calendars,
3 and transportation.

4 (2) IMPLEMENTATION PERIOD.—During the re-
5 mainder of the grant period, the eligible entity shall
6 use grant funds for—

7 (A) academic and social support services,
8 including counseling;

9 (B) liaison activities among partners in the
10 eligible entity;

11 (C) data collection and use of such data
12 for student and instructional improvement and
13 program evaluation;

14 (D) outreach programs to ensure that mid-
15 dle school and high school students and their
16 families are aware of the early college high
17 school or dual enrollment program;

18 (E) professional development, including
19 joint professional development for secondary
20 school and faculty from the institution of higher
21 education; and

22 (F) school or program design and planning
23 team activities, including curriculum develop-
24 ment.

1 (b) ALLOWABLE ACTIVITIES.—An eligible entity may
2 use grant funds received under this title to support the
3 activities described in its application under section 207,
4 including—

5 (1) purchasing textbooks and equipment that
6 support the school or program’s curriculum;

7 (2) developing learning opportunities for stu-
8 dents that complement classroom experiences, such
9 as internships, career-based capstone projects, and
10 opportunities provided under subpart 2 of part A of
11 title IV of the Higher Education Act of 1965 (20
12 U.S.C. 1070a–11 et seq.);

13 (3) transportation; and

14 (4) planning time for high school and college
15 educators to collaborate.

16 **SEC. 207. APPLICATION.**

17 (a) IN GENERAL.—To receive a grant under this title,
18 an eligible entity shall submit to the Secretary an applica-
19 tion at such time, in such manner, and including such in-
20 formation as the Secretary determines to be appropriate.

21 (b) CONTENTS OF APPLICATION.—At a minimum, an
22 application described in subsection (a) shall include a de-
23 scription of—

24 (1) the early college high school’s or other dual
25 enrollment program’s budget;

1 (2) each partner in the eligible entity and its
2 experience with early college high schools or other
3 dual enrollment programs, including key personnel
4 from each partner and their responsibilities for the
5 early college high school or dual enrollment program;

6 (3) how the eligible entity will work with sec-
7 ondary and postsecondary teachers, other public and
8 private entities, community-based organizations,
9 businesses, labor organizations, and parents to en-
10 sure that students will be prepared to succeed in
11 postsecondary education and employment, which
12 may include the development of an advisory board;

13 (4) how the eligible entity will target and re-
14 cruit at-risk youth, including those at risk of drop-
15 ping out of school, first generation college students,
16 and students from populations described in section
17 1111(b)(2)(C)(v)(II) of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C.
19 6311(b)(2)(C)(v)(II));

20 (5) a system of student supports including, but
21 not limited to, small group activities, tutoring, lit-
22 eracy and numeracy skill development in all aca-
23 demic disciplines, parental and community outreach
24 and engagement, extended learning time, and college

1 readiness activities, such as early college academic
2 seminars and counseling;

3 (6) in the case of an early college high school,
4 how a graduation and career plan will be developed,
5 consistent with State graduation requirements, for
6 each student and reviewed each semester;

7 (7) how parents or guardians of dually enrolled
8 students will be informed of their academic perform-
9 ance and progress and, subject to paragraph (5), in-
10 volved in the development of their career and grad-
11 uation plan;

12 (8) coordination that will occur between an in-
13 stitution of higher education and the local edu-
14 cational agency, including regarding academic cal-
15 endars, provision of student services, curriculum de-
16 velopment, and professional development;

17 (9) how the eligible entity will ensure that
18 teachers in the early college high school or other
19 dual enrollment program receive appropriate profes-
20 sional development and other supports, including to
21 enable them to utilize effective parent and commu-
22 nity engagement strategies, and help English-lan-
23 guage learners, students with disabilities, and stu-
24 dents from diverse cultural backgrounds to succeed;

1 (10) learning opportunities for students that
2 complement classroom experiences, such as intern-
3 ships, career-based capstone projects, and opportuni-
4 ties provided under subpart 2 of part A of title IV
5 of the Higher Education Act of 1965 (20 U.S.C.
6 1070a–11 et seq.);

7 (11) how policies, agreements, and courses
8 taken will ensure that postsecondary credits earned
9 will be transferable to, at a minimum, public institu-
10 tions of higher education within the State, consistent
11 with existing statewide articulation agreements;

12 (12) student assessments and other measure-
13 ments of student achievement including benchmarks
14 for student achievement;

15 (13) outreach programs to provide elementary
16 and secondary school students, especially those in
17 middle grades, and their parents, teachers, school
18 counselors, and principals information about and
19 academic preparation for the early college high
20 school or other dual enrollment program;

21 (14) how the local educational agency and insti-
22 tution of higher education will work together, as ap-
23 propriate, to collect and use data for student and in-
24 structional improvement and program evaluation;

1 (15) how the eligible entity will help students
2 meet eligibility criteria for postsecondary courses
3 and ensure that students understand how their cred-
4 its will transfer; and

5 (16) how the eligible entity will access and le-
6 verage additional resources necessary to sustain the
7 early college high school or other dual enrollment
8 program after the grant expires, including by engag-
9 ing businesses and non-profit organizations.

10 (c) ASSURANCES.—An eligible entity’s application
11 under subsection (a) shall include assurances that—

12 (1) in the case of an early college high school,
13 the majority of courses offered, including of postsec-
14 ondary courses, will be offered at facilities of an in-
15 stitution of higher education;

16 (2) students will not be required to pay tuition
17 or fees for postsecondary courses;

18 (3) postsecondary credits earned will be tran-
19 scribed upon completion of the requisite course
20 work; and

21 (4) faculty teaching postsecondary courses meet
22 the normal standards for faculty established by the
23 institution of higher education.

1 (d) WAIVER.—The Secretary may waive the require-
2 ment of subsection (c)(1) upon a showing that it is im-
3 practical to apply due to geographic considerations.

4 **SEC. 208. PEER REVIEW.**

5 (a) PEER REVIEW OF APPLICATIONS.—The Sec-
6 retary shall establish peer review panels to review applica-
7 tions submitted pursuant to section 206 to advise the Sec-
8 retary regarding such applications.

9 (b) COMPOSITION OF PEER REVIEW PANELS.—The
10 Secretary shall ensure that each peer review panel is not
11 comprised wholly of full-time officers or employees of the
12 Federal Government and includes, at a minimum—

13 (1) experts in the establishment and adminis-
14 tration of early college high schools or other dual en-
15 rollment programs from the secondary and postsec-
16 ondary perspective;

17 (2) faculty at institutions of higher education
18 and secondary school teachers with expertise in dual
19 enrollment; and

20 (3) experts in the education of at-risk students.

21 **SEC. 209. REPORTING AND OVERSIGHT.**

22 (a) REPORTING BY GRANTEES.—

23 (1) IN GENERAL.—The Secretary shall establish
24 uniform guidelines for eligible entities receiving a
25 grant under this title concerning information such

1 entities shall annually report to the Secretary to
2 demonstrate the progress of the entity toward
3 achieving the goals of this title.

4 (2) CONTENTS OF REPORT.—At a minimum,
5 the report described in paragraph (1) shall include,
6 with respect to all students enrolled in the early col-
7 lege high school or dual enrollment program of each
8 eligible entity receiving a grant under this title, the
9 following information (disaggregated in the same
10 manner as described in section 1111(h)(1)(C)(i) of
11 the Elementary and Secondary Education Act of
12 1965 (20 U.S.C. 6311(h)(1)(C)(i))):

13 (A) The number of students enrolled in the
14 early college high school or dual enrollment pro-
15 gram.

16 (B) The percentage of students scoring ad-
17 vanced, proficient, basic, and below basic on the
18 assessments described in section 1111(b)(3) of
19 the Elementary and Secondary Education Act
20 of 1965 (20 U.S.C. 6311(b)(3)).

21 (C) The performance on other assessments
22 or measurements of achievement.

23 (D) The number of secondary school cred-
24 its earned.

1 (E) The number of postsecondary credits
2 earned by such students.

3 (F) The attendance rate, as appropriate.

4 (G) Graduation rate.

5 (H) Placement in postsecondary education
6 or advanced training, in military service, and in
7 employment.

8 (I) A description of the school or pro-
9 gram's student, parent, and community out-
10 reach and engagement.

11 (b) REPORTING BY SECRETARY.—The Secretary an-
12 nually shall compile and analyze the information described
13 in subsection (a) and shall submit a report containing such
14 analysis to the Committee on Health, Education, Labor,
15 and Pensions of the Senate and the Committee on Edu-
16 cation and Labor of the House of Representatives. The
17 report shall include identification of best practices for
18 achieving the goals of this title.

19 (c) MONITORING VISITS.—The Secretary's designee
20 shall visit each grantee at least once for the purpose of
21 helping the grantee achieve the goals of this title and to
22 monitor the grantee's progress toward achieving such
23 goals.

24 (d) NATIONAL EVALUATION.—Not later than 6
25 months after the date on which funds are appropriated

1 to carry out this title, the Secretary shall enter into a con-
2 tract with an independent organization to perform an eval-
3 uation of the grants awarded under this title. Such evalua-
4 tion shall apply rigorous procedures to obtain valid and
5 reliable data concerning participants' outcomes by social
6 and academic characteristics and monitor the progress of
7 students from high school to and through postsecondary
8 education.

9 (e) TECHNICAL ASSISTANCE.—The Secretary shall
10 provide technical assistance to eligible entities concerning
11 best practices in early college high schools and dual enroll-
12 ment programs and shall disseminate such best practices
13 among eligible entities and State and local educational
14 agencies. Amounts retained by the Secretary for technical
15 assistance shall be used to make grants to, or contracts
16 with, public or nonprofit agencies and organizations with
17 expertise in supporting the development and implementa-
18 tion of statewide or national dual enrollment programs or
19 early college programs.

20 **SEC. 210. RULES OF CONSTRUCTION.**

21 (a) EMPLOYEES.—Nothing in this title shall be con-
22 strued to alter or otherwise affect the rights, remedies,
23 and procedures afforded to the employees of local edu-
24 cational agencies (including schools) or institutions of
25 higher education under Federal, State, or local laws (in-

cluding applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(b) GRADUATION RATE.—A student who graduates from an early college high school supported under this title in the standard number of years for graduation described in the eligible entity’s application shall be considered to have graduated on time for purposes of section 1111(b)(2)(C)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

TITLE III—SHARING WHAT WORKS IN MIDDLE GRADES

SEC. 301. PURPOSE.

The purpose of this title is to facilitate the generation, dissemination, and application of research needed to identify and implement effective practices that lead to continual student learning and high academic achievement in the middle grades.

SEC. 302. RESEARCH RECOMMENDATIONS.

(a) STUDY ON PROMISING PRACTICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to study and iden-

1 tify promising practices for the improvement of mid-
2 dle grades education.

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

10 (A) promising practices;

11 (B) the practices that are being consid-
12 ered; and

13 (C) the kind of evidence needed to docu-
14 ment effectiveness.

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

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

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

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

23 (A) the areas of curriculum, instruction,
24 and assessment (including additional supports
25 for students who are below grade level in read-

1 ing, writing, mathematics, and science, and the
2 identification of students with disabilities) to
3 better prepare all students for subsequent suc-
4 cess in high school, college, and cognitively chal-
5 lenging employment;

6 (B) the quality of, and supports for, the
7 teacher workforce;

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

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

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

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

23 (3) REPORT.—The contract entered into pursu-
24 ant to this subsection shall require that the Center
25 for Education of the National Academies submit to

1 the Secretary, the Committee on Health, Education,
2 Labor, and Pensions of the Senate, and the Com-
3 mittee on Education and Labor of the House of
4 Representatives a final report regarding the study
5 conducted under this subsection not later than 2
6 years after the date of commencement of the con-
7 tract.

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

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

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

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

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

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

18 (B) academic interventions for adolescent
19 English language learners;

20 (C) school improvement programs and
21 strategies for closing the academic achievement
22 gap;

23 (D) evidence-based or, when available, sci-
24 entifically valid professional development plan-

1 ning targeted to improve pedagogy and student
2 academic achievement;

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

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

7 (4) Strengthen the work of the existing national
8 research and development centers under section
9 133(c) of the Education Sciences Reform Act of
10 2002 (20 U.S.C. 9533(c)), as of the date of enact-
11 ment of this Act, by adding an educational research
12 and development center dedicated to addressing—

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

18 (B) comprehensive reforms for low-per-
19 forming middle grades; and

20 (C) other topics pertinent to improving the
21 academic achievement of middle grades stu-
22 dents.

23 (5) Provide grants to nonprofit organizations,
24 for-profit organizations, institutions of higher edu-
25 cation, and others to partner with State educational

1 agencies and local educational agencies to develop,
 2 adapt, or replicate effective models for turning
 3 around low-performing middle grades.

4 **TITLE IV—DEFINITIONS**

5 **SEC. 401. DEFINITIONS.**

6 Except as otherwise provided, in this Act:

7 (1) BUREAU-FUNDED SCHOOL.—The term “Bu-
 8 reau-funded school” has the meaning given such
 9 term in section 1146 of the Education Amendments
 10 of 1978 (25 U.S.C. 2026).

11 (2) CHARTER MANAGEMENT ORGANIZATION.—
 12 The term “charter management organization”
 13 means a nonprofit organization that operates or
 14 manages a charter school or other school by central-
 15 izing or sharing certain functions and resources.

16 (3) CHARTER SCHOOL.—The term “charter
 17 school”—

18 (A) has the meaning given such term in
 19 section 5210(1) of the Elementary and Sec-
 20 ondary Education Act of 1965 (20 U.S.C.
 21 7221i(1)); and

22 (B) may include a charter school that pro-
 23 vides prekindergarten or adult education serv-
 24 ices.

1 (4) COLLEGE ENROLLMENT RATE.—The term
2 “college enrollment rate” means the rate at which
3 students who are graduating from secondary school
4 in the same academic year enroll in an institution of
5 higher education in the same calendar year.

6 (5) CORE COURSES.—The term “core courses”
7 has the meaning given the term “core academic sub-
8 jects” in section 9101(11) of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C.
10 7801(11)).

11 (6) DUAL ENROLLMENT PROGRAM.—The term
12 “dual enrollment program” means an academic pro-
13 gram established in partnership between a local edu-
14 cational agency and an institution of higher edu-
15 cation that enables a high school student to simulta-
16 neously earn credit toward—

17 (A) a high school diploma; and

18 (B) a postsecondary degree or certificate.

19 (7) EARLY COLLEGE HIGH SCHOOL.—The term
20 “early college high school” means a high school es-
21 tablished in partnership between a local educational
22 agency and an institution of higher education that
23 provides a course of study that enables a student to
24 earn—

25 (A) a high school diploma; and

1 (B) an associate’s degree or 1 to 2 years
2 of college credit toward a postsecondary degree
3 or credential.

4 (8) EARLY WARNING SYSTEM.—

5 (A) IN GENERAL.—The term “Early
6 Warning System” means a data and interven-
7 tion system, which is maintained by a local edu-
8 cational agency, that collects, analyzes, and re-
9 ports student-level data in a timely and ongoing
10 basis to help schools in the local educational
11 agency identify and implement tiered academic,
12 social, and behavioral evidence-based interven-
13 tions, including differentiated instruction, in
14 order to ensure each middle school and high
15 school student served by the local educational
16 agency is on track to graduate and meet the
17 student’s postsecondary education and career
18 goals by—

19 (i) alerting schools in the local edu-
20 cational agency when a student begins to
21 exhibit academic, social, or behavioral indi-
22 cators of increased risk for low academic
23 achievement, not graduating from sec-
24 ondary school, or disciplinary actions;

1 (ii) alerting schools in the local edu-
2 cational agency when a student has been
3 retained in a grade level, is an undercred-
4 ited student, is a late entrant English lan-
5 guage learner, has come into contact with
6 the juvenile justice system, has a dramati-
7 cally decreased attendance rate, or has sig-
8 nificant other barriers that limit successful
9 high school completion and academic
10 achievement;

11 (iii) identifying appropriate evidence-
12 based interventions for individual students
13 under the intervention component de-
14 scribed in subparagraph (D) and carrying
15 out such interventions under such compo-
16 nent; and

17 (iv) sharing the student-level data col-
18 lected, analyzed, and reported by such sys-
19 tem among high schools and their feeder
20 middle schools.

21 (B) EARLY WARNING DATA COMPONENT.—

22 (i) IN GENERAL.—The data compo-
23 nent of an Early Warning System is a data
24 system that carries out the activities de-
25 scribed in subparagraph (A) (with the ex-

1 ception of the activities carried out under
2 the intervention component described in
3 subparagraph (D)) by collecting, analyzing,
4 and reporting student-level data (through
5 software, automation, manual analysis or
6 other methods)—

7 (I) in a manner consistent with
8 the Family Educational Rights and
9 Privacy Act of 1974 (20 U.S.C.
10 1232g);

11 (II) in a format that is easily ac-
12 cessible and useable by school staff at
13 the school level; and

14 (III) that is interoperable with
15 the longitudinal data system estab-
16 lished under section 14005(d)(3) of
17 the American Recovery and Reinvest-
18 ment Act of 2009 (Public Law 111–
19 5) for the State educational agency
20 serving the local educational agency
21 that maintains such system.

22 (ii) REPORTING.—The data compo-
23 nent described in clause (i) shall have the
24 capacity to report student-level data—

1 (I) with respect to individual stu-
2 dents;

3 (II) with respect to students in
4 the aggregate; and

5 (III) that is disaggregated by all
6 the demographic subgroups of stu-
7 dents described in section
8 1111(h)(1)(C)(i) of the Elementary
9 and Secondary Education Act of 1965
10 (20 U.S.C. 6311(h)(1)(C)(i)),
11 crosstabulated by all categories.

12 (C) STUDENT-LEVEL DATA.—For purposes
13 of this paragraph, the term “student-level data”
14 means longitudinal data with respect to indi-
15 vidual students, including all the demographic
16 subgroups of students described in section
17 1111(h)(1)(C)(i) of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C.
19 6311(h)(1)(C)(i)), on—

20 (i) academic performance in core
21 courses;

22 (ii) levels of achievement on State
23 academic assessments described in section
24 1111(b)(3) of the Elementary and Sec-

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

(iii) on-time and delayed promotion
from grade-to-grade;

(iv) college admissions test participa-
tion;

(v) completion of courses in which the
student is dually-enrolled, college-level
courses, college-preparatory courses, and
middle-school prerequisite courses;

(vi) graduation with a high school di-
ploma and reason for exiting other than
earned high school diploma;

(vii) behavioral indicators, including
attendance, office referrals, suspensions,
and expulsions;

(viii) college enrollment and postsec-
ondary persistence; and

(ix) other academic, social and behav-
ioral indicators as determined by the local
educational agency.

(D) EARLY WARNING INTERVENTION COM-
PONENT.—

(i) IN GENERAL.—The intervention
component of an Early Warning System is

1 a comprehensive system of evidence-based
2 academic, social, and behavioral services
3 and supports for at-risk students, includ-
4 ing whole school reform activities, targeted
5 student interventions, and intensive indi-
6 vidual student interventions described in
7 clauses (ii), (iii), and (iv), respectively,
8 which shall be continually evaluated by the
9 local educational agency maintaining the
10 Early Warning System for their effective-
11 ness.

12 (ii) WHOLE SCHOOL REFORM ACTIVITIES.—
13

14 (I) IN GENERAL.—The term
15 “whole school reform activities”
16 means activities requiring the align-
17 ment of instructional resources and
18 behavioral supports to specifically
19 meet the academic, social, and behav-
20 ioral needs of students, and imple-
21 mentation of organizational change to
22 ensure academic success of at-risk
23 students, as informed by the analysis
24 of data available under the Early
25 Warning System.

1 (II) ACTIVITIES.—Whole school
2 reform activities may include—

3 (aa) establishing transition
4 supports for students moving
5 from middle to high school or
6 from secondary school to postsec-
7 ondary school;

8 (bb) increasing availability
9 of college preparatory or career
10 and technical instruction through
11 Advanced Placement courses,
12 International Baccalaureate
13 courses, dual enrollment, early
14 college high school opportunities,
15 or high quality career and tech-
16 nical programs as described in
17 section 3 of the Carl D. Perkins
18 Career and Technical Education
19 Act of 2006;

20 (cc) extended learning op-
21 portunities for students;

22 (dd) implementation of posi-
23 tive behavior support systems or
24 multitier systems of support;

1 (ee) quality professional de-
2 velopment to meet student needs
3 identified by the early warning
4 data; or

5 (ff) strategic use of time, in-
6 cluding common lesson planning
7 time, flexible school periods, or
8 block scheduling.

9 (iii) TARGETED STUDENT INTERVEN-
10 TIONS.—Targeted student interventions
11 are interventions provided to small groups
12 of students on an ongoing basis that are
13 adjusted over time to meet student needs,
14 such as—

15 (I) small group, instruction, tu-
16 toring or counseling; or

17 (II) changes to learning struc-
18 tures, such as teams of teachers who
19 work exclusively with small groups of
20 students.

21 (iv) INTENSIVE INDIVIDUAL STUDENT
22 INTERVENTIONS.—Intensive individual stu-
23 dent interventions are interventions
24 matched to individual student needs, in-
25 cluding one-on-one academic counseling

1 and use of an individual graduation plan to
2 define, support and meet a student’s sec-
3 ondary and postsecondary education goals.

4 Such interventions may include—

5 (I) individual case management;

6 (II) individual instruction; or

7 (III) individual social and emo-

8 tional supports, including mental

9 health counseling.

10 (9) EDUCATIONAL SERVICE AGENCY.—The
11 term “educational service agency” has the meaning
12 given such term in section 9101(17) of the Elemen-
13 tary and Secondary Education Act of 1965 (20
14 U.S.C. 7801(17)).

15 (10) ELIGIBLE ENTITY.—The term “eligible en-
16 tity” means—

17 (A) a local educational agency that serves
18 at least one—

19 (i) eligible middle school; and

20 (ii) eligible high school;

21 (B) a consortium of local educational agen-
22 cies described in subparagraph (A) that are lo-
23 cated in rural areas; or

24 (C) a partnership between—

1 (i) a consortium described in subpara-
2 graph (B); and

3 (ii) an educational service agency.

4 (11) ELIGIBLE HIGH SCHOOL.—The term “eli-
5 gible high school” means a public school that—

6 (A) provides education in at least 2 succes-
7 sive grades between 7th grade and 12th grade,
8 inclusive, as determined by State law; and

9 (B) had a graduation rate of 65 percent or
10 less during each of the 2 academic years before
11 the date of the enactment of this Act.

12 (12) ELIGIBLE MIDDLE SCHOOL.—The term
13 “eligible middle school” means a public school
14 that—

15 (A) provides education in at least 2 succes-
16 sive grades between 5th grade and 8th grade,
17 inclusive, as determined by State law;

18 (B) is a feeder middle school for at least
19 1 eligible high school; and

20 (C) during each of the 2 academic years
21 before the date of the enactment of this Act—

22 (i) had more than 50 percent of the
23 students who completed such school enroll
24 in an eligible high school; and

(ii) was in a State’s lowest quintile of performance based on proficiency rates on State assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) or had not made adequate yearly progress (as defined section 1111(b)(2)) of such Act (20 U.S.C. 6311(b)(2)(C)).

(13) FEEDER MIDDLE SCHOOL.—The term “feeder middle school” means a middle school where students enrolled in a high school in the same local educational agency as such middle school were enrolled prior to completing such middle school.

(14) GRADUATION RATE.—The term “graduation rate” has the meaning given such term in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

(15) HIGHLY QUALIFIED.—The term “highly qualified” has the meaning given such term in section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)).

1 (16) INSTITUTION OF HIGHER EDUCATION.—

2 The term “institution of higher education” has the
3 meaning given such term in section 101 of the High-
4 er Education Act of 1965 (20 U.S.C. 1001).

5 (17) LATE ENTRANT ENGLISH LANGUAGE

6 LEARNER.—The term “late entrant English lan-
7 guage learner” means a secondary school student
8 who—

9 (A) entered a school served by a local edu-
10 cational agency at grade 7 or higher; and

11 (B) is identified by the agency as—

12 (i) being limited English proficient;

13 and

14 (ii) having experienced interrupted
15 formal education.

16 (18) LOCAL EDUCATIONAL AGENCY.—The term
17 “local educational agency”—

18 (A) has the meaning given such term in
19 section 9101(26) of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 7801(26));

22 (B) includes any charter school that is a
23 local educational agency, as determined by
24 State law; and

25 (C) includes each Bureau-funded school.

1 (19) LOW-INCOME STUDENT.—The term “low-
2 income student” means a student described in sec-
3 tion 1113(a)(5) of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6313(a)(5)).

5 (20) MULTITIER SYSTEM OF SUPPORT.—The
6 term “multitier system of support” means a com-
7 prehensive system of differentiated supports that in-
8 cludes—

- 9 (A) evidence-based instruction;
- 10 (B) universal screening;
- 11 (C) progress monitoring;
- 12 (D) formative assessments;
- 13 (E) research-based interventions matched
14 to student needs; and
- 15 (F) educational decisionmaking using stu-
16 dent outcome data.

17 (21) PARTICIPATING MIDDLE SCHOOL.—The
18 term “participating middle school” means an eligible
19 middle school that is—

- 20 (A) under the jurisdiction of an eligible en-
21 tity awarded a grant under title I; and
- 22 (B) that are being served by such grant.

23 (22) PARTICIPATING HIGH SCHOOL.—The term
24 “participating high school” means an eligible high
25 school that is—

1 (A) under the jurisdiction of an eligible en-
2 tity awarded a grant under title I; and

3 (B) that are being served by such grant.

4 (23) POSITIVE BEHAVIOR SUPPORTS.—The
5 term “positive behavior supports” means a system-
6 atic approach to embed evidence-based practices and
7 data-driven decisionmaking to improve school cli-
8 mate and culture, including a range of systemic and
9 individualized strategies to reinforce desired behav-
10 iors and diminish reoccurrence of problem behaviors,
11 in order to achieve improved academic and social
12 outcomes and increase learning for all students, in-
13 cluding those with the most complex and intensive
14 behavioral needs.

15 (24) POSTSECONDARY PERSISTENCE RATE.—
16 The term “postsecondary persistence rate” means
17 the rate at which students who graduated from sec-
18 ondary school in the same academic year enroll in an
19 institution of higher education and complete 1 aca-
20 demic year of credit at such institution, as deter-
21 mined by such institution.

22 (25) SECONDARY SCHOOL REFORM ORGANIZA-
23 TION.—The term “secondary school reform organi-
24 zation” means a nonprofit organization, such as a
25 community-based organization, charter management

1 organization, educational service agency, education
2 management organization, or institution of higher
3 education, with—

4 (A) expertise in analyzing school perform-
5 ance data; and

6 (B) a demonstrated record of success in
7 improving student achievement, graduation
8 rates, college enrollment, or restructuring low-
9 performing middle schools or high schools.

10 (26) SECRETARY.—The term “Secretary”
11 means the Secretary of Education.

12 (27) SPECIALIZED INSTRUCTIONAL SUPPORT
13 PERSONNEL.—The term “specialized instructional
14 support personnel” means school counselors, school
15 social workers, school psychologists, and other quali-
16 fied professional personnel involved in providing as-
17 sessment, diagnosis, counseling, educational, thera-
18 peutic, and other services (including related services
19 as that term is defined in section 602 of the Individ-
20 uals with Disabilities Education Act) as part of a
21 comprehensive program to meet student needs.

22 (28) SPECIALIZED INSTRUCTIONAL SUPPORT
23 SERVICES.—The term “specialized instructional sup-
24 port services” means the services provided by spe-
25 cialized instructional support personnel.

1 (29) STATE.—The term “State” has the mean-
2 ing given such term in section 9101 of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 7801).

5 (30) STATE EDUCATIONAL AGENCY.—The term
6 “State educational agency” has the meaning given
7 such term in section 9101(41) Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C.
9 7801(41)).

10 (31) SUBJECT MATTER EXPERTISE.—The term
11 “subject matter expertise” means demonstrating
12 competence in each of the academic subjects in
13 which a teacher provides instruction as the teacher
14 of record, whether or not the teacher is new to the
15 profession, by meeting the requirements described in
16 subclause (I) or (II) of section 9101(23)(B)(ii) of
17 the Elementary and Secondary Education Act of
18 1965 (20 U.S.C. 7801(23)(B)(ii)(I); (23)(B)(ii)(II)).

19 (32) UNDERCREDITED STUDENT.—The term
20 “undercredited student” means a secondary school
21 student who lacks either the necessary credits or
22 courses, as determined by the applicable local edu-
23 cational agency and State agency, to graduate from

- 1 secondary school with a regular diploma in the
- 2 standard number of years.

