

***In the Senate of the United States,***

*October 15, 2002.*

*Resolved*, That the bill from the House of Representatives (H.R. 3801) entitled “An Act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 **SECTION 1. TABLE OF CONTENTS.**

2       *The table of contents for this Act is as follows:*

*Sec. 1. Table of contents.*

**TITLE I—EDUCATION SCIENCES REFORM***Sec. 101. Short title.**Sec. 102. Definitions.***PART A—THE INSTITUTE OF EDUCATION SCIENCES***Sec. 111. Establishment.**Sec. 112. Functions.**Sec. 113. Delegation.**Sec. 114. Office of the Director.**Sec. 115. Priorities.**Sec. 116. National Board for Education Sciences.**Sec. 117. Commissioners of the National Education Centers.**Sec. 118. Agreements.**Sec. 119. Biennial report.**Sec. 120. Competitive awards.***PART B—NATIONAL CENTER FOR EDUCATION RESEARCH***Sec. 131. Establishment.**Sec. 132. Commissioner for Education Research.**Sec. 133. Duties.**Sec. 134. Standards for conduct and evaluation of research.***PART C—NATIONAL CENTER FOR EDUCATION STATISTICS***Sec. 151. Establishment.**Sec. 152. Commissioner for Education Statistics.**Sec. 153. Duties.**Sec. 154. Performance of duties.**Sec. 155. Reports.**Sec. 156. Dissemination.**Sec. 157. Cooperative education statistics systems.**Sec. 158. State defined.***PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE***Sec. 171. Establishment.**Sec. 172. Commissioner for Education Evaluation and Regional Assistance.**Sec. 173. Evaluations.**Sec. 174. Regional educational laboratories for research, development, dissemination, and technical assistance.***PART E—GENERAL PROVISIONS***Sec. 181. Interagency data sources and formats.**Sec. 182. Prohibitions.**Sec. 183. Confidentiality.**Sec. 184. Availability of data.**Sec. 185. Performance management.**Sec. 186. Authority to publish.**Sec. 187. Vacancies.**Sec. 188. Scientific or technical employees.**Sec. 189. Fellowships.**Sec. 190. Voluntary service.**Sec. 191. Rulemaking.*

- Sec. 192. Copyright.*
- Sec. 193. Removal.*
- Sec. 194. Authorization of appropriations.*

## **TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE**

- Sec. 201. Short title.*
- Sec. 202. Definitions.*
- Sec. 203. Comprehensive centers.*
- Sec. 204. Evaluations.*
- Sec. 205. Existing technical assistance providers.*
- Sec. 206. Regional advisory committees.*
- Sec. 207. Priorities.*
- Sec. 208. Grant program for statewide, longitudinal data systems.*
- Sec. 209. Authorization of appropriations.*

## **TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS**

- Sec. 301. Short title.*
- Sec. 302. Definitions.*
- Sec. 303. Authorization of appropriations.*

## **TITLE IV—AMENDATORY PROVISIONS**

- Sec. 401. Redesignations.*
- Sec. 402. Amendments to Department of Education Organization Act.*
- Sec. 403. Repeals.*
- Sec. 404. Conforming and technical amendments.*
- Sec. 405. Orderly transition.*
- Sec. 406. Impact aid.*

# **1    *TITLE I—EDUCATION SCIENCES REFORM***

## **2    ***SEC. 101. SHORT TITLE.*****

4    *This title may be cited as the “Education Sciences Re-*  
 5    *form Act of 2002”.*

## **6    ***SEC. 102. DEFINITIONS.*****

7    *In this title:*

8        *(1) IN GENERAL.—The terms “elementary*  
 9        *school”, “secondary school”, “local educational agen-*  
 10      *cy”, and “State educational agency” have the mean-*  
 11      *ings given those terms in section 9101 of the Elemen-*  
 12      *tary and Secondary Education Act of 1965 (20*

1       *U.S.C. 7801) and the terms “freely associated states”*  
2       *and “outlying area” have the meanings given those*  
3       *terms in section 1121(c) of such Act (20 U.S.C.*  
4       *6331(c)).*

5           (2) *APPLIED RESEARCH.*—*The term “applied re-*  
6       *search” means research—*

7              (A) *to gain knowledge or understanding*  
8       *necessary for determining the means by which a*  
9       *recognized and specific need may be met; and*  
10             (B) *that is specifically directed to the ad-*  
11       *vancement of practice in the field of education.*

12           (3) *BASIC RESEARCH.*—*The term “basic re-*  
13       *search” means research—*

14              (A) *to gain fundamental knowledge or un-*  
15       *derstanding of phenomena and observable facts,*  
16       *without specific application toward processes or*  
17       *products; and*

18              (B) *for the advancement of knowledge in the*  
19       *field of education.*

20           (4) *BOARD.*—*The term “Board” means the Na-*  
21       *tional Board for Education Sciences established under*  
22       *section 116.*

23           (5) *BUREAU.*—*The term “Bureau” means the*  
24       *Bureau of Indian Affairs.*

1                   (6) *COMPREHENSIVE CENTER.*—The term “com-  
2                   prehensive center” means an entity established under  
3                   section 203 of the Educational Technical Assistance  
4                   Act of 2002.

5                   (7) *DEPARTMENT.*—The term “Department”  
6                   means the Department of Education.

7                   (8) *DEVELOPMENT.*—The term “development”  
8                   means the systematic use of knowledge or under-  
9                   standing gained from the findings of scientifically  
10                  valid research and the shaping of that knowledge or  
11                  understanding into products or processes that can be  
12                  applied and evaluated and may prove useful in areas  
13                  such as the preparation of materials and new methods  
14                  of instruction and practices in teaching, that lead to  
15                  the improvement of the academic skills of students,  
16                  and that are replicable in different educational set-  
17                  tings.

18                  (9) *DIRECTOR.*—The term “Director” means the  
19                  Director of the Institute of Education Sciences.

20                  (10) *DISSEMINATION.*—The term “dissemina-  
21                  tion” means the communication and transfer of the  
22                  results of scientifically valid research, statistics, and  
23                  evaluations, in forms that are understandable, easily  
24                  accessible, and usable, or adaptable for use in, the im-  
25                  provement of educational practice by teachers, admin-

1       *istrators, librarians, other practitioners, researchers,*  
2       *parents, policymakers, and the public, through tech-*  
3       *nical assistance, publications, electronic transfer, and*  
4       *other means.*

5                 (11) *EARLY CHILDHOOD EDUCATOR.*—The term  
6       “*early childhood educator*” means a person providing,  
7       or employed by a provider of, nonresidential child  
8       care services (including center-based, family-based,  
9       and in-home child care services) that is legally oper-  
10      ating under State law, and that complies with appli-  
11      cable State and local requirements for the provision  
12      of child care services to children at any age from  
13      birth through the age at which a child may start kin-  
14      dergarten in that State.

15                (12) *FIELD-INITIATED RESEARCH.*—The term  
16       “*field-initiated research*” means basic research or ap-  
17       plied research in which specific questions and meth-  
18       ods of study are generated by investigators (including  
19       teachers and other practitioners) and that conforms to  
20       standards of scientifically valid research.

21                (13) *HISTORICALLY BLACK COLLEGE OR UNIVER-*  
22       *SITY.*—The term ‘*historically Black college or univer-*  
23       *sity*’ means a part B institution as defined in section  
24       322 of the Higher Education Act of 1965 (20 U.S.C.  
25       1061).

1                   (14) *INSTITUTE*.—The term “Institute” means  
2                   the Institute of Education Sciences established under  
3                   section 111.

4                   (15) *INSTITUTION OF HIGHER EDUCATION*.—The  
5                   term “institution of higher education” has the mean-  
6                   ing given that term in section 101(a) of the Higher  
7                   Education Act of 1965 (20 U.S.C. 1001(a)).

8                   (16) *NATIONAL RESEARCH AND DEVELOPMENT*  
9                   CENTER.—The term “national research and develop-  
10                  ment center” means a research and development cen-  
11                  ter supported under section 133(c).

12                  (17) *PROVIDER OF EARLY CHILDHOOD SERV-  
13                  ICES*.—The term “provider of early childhood serv-  
14                  ices” means a public or private entity that serves  
15                  young children, including—

- 16                   (A) child care providers;
- 17                   (B) Head Start agencies operating Head  
18                  Start programs, and entities carrying out Early  
19                  Head Start programs, under the Head Start Act  
20                  (42 U.S.C. 9831 et seq.);
- 21                   (C) preschools;
- 22                   (D) kindergartens; and
- 23                   (E) libraries.

- 1                             (18) *SCIENTIFICALLY BASED RESEARCH STAND-*  
2     *ARDS.—(A) The term “scientifically based research*  
3     *standards” means research standards that—*
- 4                             (i) *apply rigorous, systematic, and objective*  
5     *methodology to obtain reliable and valid knowl-*  
6     *edge relevant to education activities and pro-*  
7     *grams; and*
- 8                             (ii) *present findings and make claims that*  
9     *are appropriate to and supported by the methods*  
10    *that have been employed.*
- 11                           (B) *The term includes, appropriate to the re-*  
12    *search being conducted—*
- 13                             (i) *employing systematic, empirical methods*  
14    *that draw on observation or experiment;*
- 15                             (ii) *involving data analyses that are ade-*  
16    *quate to support the general findings;*
- 17                             (iii) *relying on measurements or observa-*  
18    *tional methods that provide reliable data;*
- 19                             (iv) *making claims of causal relationships*  
20    *only in random assignment experiments or other*  
21    *designs (to the extent such designs substantially*  
22    *eliminate plausible competing explanations for*  
23    *the obtained results);*
- 24                             (v) *ensuring that studies and methods are*  
25    *presented in sufficient detail and clarity to allow*

1           *for replication or, at a minimum, to offer the op-*  
2           *portunity to build systematically on the findings*  
3           *of the research;*

4           *(vi) obtaining acceptance by a peer-re-*  
5           *viewed journal or approval by a panel of inde-*  
6           *pendent experts through a comparably rigorous,*  
7           *objective, and scientific review; and*

8           *(vii) using research designs and methods*  
9           *appropriate to the research question posed.*

10          *(19) SCIENTIFICALLY VALID EDUCATION EVALUA-*  
11          *TION.—The term “scientifically valid education eval-*  
12          *uation” means an evaluation that—*

13           *(A) adheres to the highest possible standards*  
14           *of quality with respect to research design and*  
15           *statistical analysis;*

16           *(B) provides an adequate description of the*  
17           *programs evaluated and, to the extent possible,*  
18           *examines the relationship between program im-*  
19           *plementation and program impacts;*

20           *(C) provides an analysis of the results*  
21           *achieved by the program with respect to its pro-*  
22           *jected effects;*

23           *(D) employs experimental designs using*  
24           *random assignment, when feasible, and other re-*  
25           *search methodologies that allow for the strongest*

1           possible causal inferences when random assign-  
2         ment is not feasible; and

3           (E) may study program implementation  
4         through a combination of scientifically valid and  
5         reliable methods.

6           (20) *SCIENTIFICALLY VALID RESEARCH*.—The  
7         term “scientifically valid research” includes applied  
8         research, basic research, and field-initiated research  
9         in which the rationale, design, and interpretation are  
10       soundly developed in accordance with scientifically  
11       based research standards.

12          (21) *SECRETARY*.—The term “Secretary” means  
13         the Secretary of Education.

14          (22) *STATE*.—The term “State” includes (except  
15         as provided in section 158) each of the 50 States, the  
16         District of Columbia, the Commonwealth of Puerto  
17         Rico, the freely associated states, and the outlying  
18         areas.

19          (23) *TECHNICAL ASSISTANCE*.—The term “tech-  
20         nical assistance” means—

21           (A) assistance in identifying, selecting, or  
22         designing solutions based on research, including  
23         professional development and high-quality train-  
24         ing to implement solutions leading to—

## 12 PART A—THE INSTITUTE OF EDUCATION

SCIENCES

## 14 SEC. 111. ESTABLISHMENT.

15           (a) *ESTABLISHMENT.*—There shall be in the Depart-  
16 ment the Institute of Education Sciences, to be adminis-  
17 tered by a Director (as described in section 114) and, to  
18 the extent set forth in section 116, a board of directors.

19 (b) *MISSION.*—

20                             (1) *IN GENERAL.*—The mission of the Institute is  
21                             to provide national leadership in expanding funda-  
22                             mental knowledge and understanding of education  
23                             from early childhood through postsecondary study, in  
24                             order to provide parents, educators, students, re-

1       *searchers, policymakers, and the general public with  
2 reliable information about—*

3               *(A) the condition and progress of education  
4 in the United States, including early childhood  
5 education;*

6               *(B) educational practices that support  
7 learning and improve academic achievement and  
8 access to educational opportunities for all stu-  
9 dents; and*

10              *(C) the effectiveness of Federal and other  
11 education programs.*

12             *(2) CARRYING OUT MISSION.—In carrying out  
13 the mission described in paragraph (1), the Institute  
14 shall compile statistics, develop products, and conduct  
15 research, evaluations, and wide dissemination activi-  
16 ties in areas of demonstrated national need (includ-  
17 ing in technology areas) that are supported by Fed-  
18 eral funds appropriated to the Institute and ensure  
19 that such activities—*

20              *(A) conform to high standards of quality,  
21 integrity, and accuracy; and*

22              *(B) are objective, secular, neutral, and non-  
23 ideological and are free of partisan political in-  
24 fluence and racial, cultural, gender, or regional  
25 bias.*

1       (c) *ORGANIZATION.*—*The Institute shall consist of the*  
2 *following:*

3           (1) *The Office of the Director (as described in*  
4 *section 114).*

5           (2) *The National Board for Education Sciences*  
6 *(as described in section 116).*

7           (3) *The National Education Centers, which*  
8 *include—*

9              (A) *the National Center for Education Re-*  
10 *search (as described in part B);*

11              (B) *the National Center for Education Sta-*  
12 *tistics (as described in part C); and*

13              (C) *the National Center for Education*  
14 *Evaluation and Regional Assistance (as de-*  
15 *scribed in part D).*

16 **SEC. 112. FUNCTIONS.**

17       *From funds appropriated under section 194, the Insti-*  
18 *tute, directly or through grants, contracts, or cooperative*  
19 *agreements, shall—*

20           (1) *conduct and support scientifically valid re-*  
21 *search activities, including basic research and applied*  
22 *research, statistics activities, scientifically valid edu-*  
23 *cation evaluation, development, and wide dissemina-*  
24 *tion;*

- 1               (2) widely disseminate the findings and results  
2       of scientifically valid research in education;
- 3               (3) promote the use, development, and applica-  
4       tion of knowledge gained from scientifically valid re-  
5       search activities;
- 6               (4) strengthen the national capacity to conduct,  
7       develop, and widely disseminate scientifically valid  
8       research in education;
- 9               (5) promote the coordination, development, and  
10      dissemination of scientifically valid research in edu-  
11      cation within the Department and the Federal Gov-  
12      ernment; and
- 13               (6) promote the use and application of research  
14      and development to improve practice in the class-  
15      room.

16 **SEC. 113. DELEGATION.**

- 17       (a) *DELEGATION OF AUTHORITY.*—Notwithstanding  
18      section 412 of the Department of Education Organization  
19      Act (20 U.S.C. 3472), the Secretary shall delegate to the  
20      Director all functions for carrying out this title (other than  
21      administrative and support functions), except that—
- 22               (1) nothing in this title or in the National As-  
23       essment of Educational Progress Authorization Act  
24       (except section 302(e)(1)(J) of such Act) shall be con-  
25       strued to alter or diminish the role, responsibilities,

1       *or authority of the National Assessment Governing*  
2       *Board with respect to the National Assessment of*  
3       *Educational Progress (including with respect to the*  
4       *methodologies of the National Assessment of Edu-*  
5       *cational Progress described in section 302(e)(1)(E))*  
6       *from those authorized by the National Education Sta-*  
7       *tistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day*  
8       *before the date of enactment of this Act;*

9               *(2) members of the National Assessment Gov-*  
10       *erning Board shall continue to be appointed by the*  
11       *Secretary;*

12               *(3) section 302(f)(1) of the National Assessment*  
13       *of Educational Progress Authorization Act shall*  
14       *apply to the National Assessment Governing Board in*  
15       *the exercise of its responsibilities under this Act;*

16               *(4) sections 115 and 116 shall not apply to the*  
17       *National Assessment of Educational Progress; and*

18               *(5) sections 115 and 116 shall not apply to the*  
19       *National Assessment Governing Board.*

20       *(b) OTHER ACTIVITIES.—The Secretary may assign*  
21       *the Institute responsibility for administering other activi-*  
22       *ties, if those activities are consistent with—*

23               *(1) the Institute's priorities, as approved by the*  
24       *National Board for Education Sciences under section*

1       *116, and the Institute's mission, as described in sec-*  
2       *tion 111(b); or*

3           *(2) the Institute's mission, but only if those ac-*  
4       *tivities do not divert the Institute from its priorities.*

5   **SEC. 114. OFFICE OF THE DIRECTOR.**

6       *(a) APPOINTMENT.—Except as provided in subsection*  
7       *(b)(2), the President, by and with the advice and consent*  
8       *of the Senate, shall appoint the Director of the Institute.*

9       *(b) TERM.—*

10          *(1) IN GENERAL.—The Director shall serve for a*  
11       *term of 6 years, beginning on the date of appointment*  
12       *of the Director.*

13          *(2) FIRST DIRECTOR.—The President, without*  
14       *the advice and consent of the Senate, may appoint the*  
15       *Assistant Secretary for the Office of Educational Re-*  
16       *search and Improvement (as such office existed on the*  
17       *day before the date of enactment of this Act) to serve*  
18       *as the first Director of the Institute.*

19          *(3) SUBSEQUENT DIRECTORS.—The Board may*  
20       *make recommendations to the President with respect*  
21       *to the appointment of a Director under subsection (a),*  
22       *other than a Director appointed under paragraph (2).*

23       *(c) PAY.—The Director shall receive the rate of basic*  
24       *pay for level II of the Executive Schedule.*

1       (d) *QUALIFICATIONS.*—The Director shall be selected  
2 from individuals who are highly qualified authorities in the  
3 fields of scientifically valid research, statistics, or evalua-  
4 tion in education, as well as management within such  
5 areas, and have a demonstrated capacity for sustained pro-  
6 ductivity and leadership in these areas.

7       (e) *ADMINISTRATION.*—The Director shall—  
8           (1) administer, oversee, and coordinate the ac-  
9 tivities carried out under the Institute, including the  
10 activities of the National Education Centers; and  
11           (2) coordinate and approve budgets and oper-  
12 ating plans for each of the National Education Cen-  
13 ters for submission to the Secretary.  
14       (f) *DUTIES.*—The duties of the Director shall include  
15 the following:

16           (1) To propose to the Board priorities for the In-  
17 stitute, in accordance with section 115(a).  
18           (2) To ensure the methodology applied in con-  
19 ducting research, development, evaluation, and statis-  
20 tical analysis is consistent with the standards for  
21 such activities under this title.  
22           (3) To coordinate education research and related  
23 activities carried out by the Institute with such re-  
24 search and activities carried out by other agencies  
25 within the Department and the Federal Government.

1           (4) To advise the Secretary on research, evaluation,  
2        and statistics activities relevant to the activities  
3        of the Department.

4           (5) To establish necessary procedures for technical  
5        and scientific peer review of the activities of the  
6        Institute, consistent with section 116(b)(3).

7           (6) To ensure that all participants in research  
8        conducted or supported by the Institute are afforded  
9        their privacy rights and other relevant protections as  
10      research subjects, in accordance with section 183 of  
11      this title, section 552a of title 5, United States Code,  
12      and sections 444 and 445 of the General Education  
13      Provisions Act (20 U.S.C. 1232g, 1232h).

14          (7) To ensure that activities conducted or sup-  
15        ported by the Institute are objective, secular, neutral,  
16        and nonideological and are free of partisan political  
17        influence and racial, cultural, gender, or regional  
18        bias.

19          (8) To undertake initiatives and programs to in-  
20        crease the participation of researchers and institu-  
21        tions that have been historically underutilized in Fed-  
22        eral education research activities of the Institute, in-  
23        cluding historically Black colleges or universities or  
24        other institutions of higher education with large num-  
25        bers of minority students.

1                   (9) To coordinate with the Secretary to promote  
2                   and provide for the coordination of research and de-  
3                   velopment activities and technical assistance activi-  
4                   ties between the Institute and comprehensive centers.

5                   (10) To solicit and consider the recommendations  
6                   of education stakeholders, in order to ensure that there  
7                   is broad and regular public and professional input  
8                   from the educational field in the planning and car-  
9                   rying out of the Institute's activities.

10                  (11) To coordinate the wide dissemination of in-  
11                  formation on scientifically valid research.

12                  (12) To carry out and support other activities  
13                  consistent with the priorities and mission of the Insti-  
14                  tute.

15                  (g) EXPERT GUIDANCE AND ASSISTANCE.—The Direc-  
16                  tor may establish technical and scientific peer-review  
17                  groups and scientific program advisory committees for re-  
18                  search and evaluations that the Director determines are nec-  
19                  essary to carry out the requirements of this title. The Direc-  
20                  tor shall appoint such personnel, except that officers and  
21                  employees of the United States shall comprise no more than  
22                   $\frac{1}{4}$  of the members of any such group or committee and shall  
23                  not receive additional compensation for their service as  
24                  members of such a group or committee. The Director shall  
25                  ensure that reviewers are highly qualified and capable to

1 appraise education research and development projects. The  
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
3 apply to a peer-review group or an advisory committee es-  
4 tablished under this subsection.

5 (h) REVIEW.—The Director may, when requested by  
6 other officers of the Department, and shall, when directed  
7 by the Secretary, review the products and publications of  
8 other offices of the Department to certify that evidence-based  
9 claims about those products and publications are scientif-  
10 ically valid.

11 **SEC. 115. PRIORITIES.**

12 (a) PROPOSAL.—The Director shall propose to the  
13 Board priorities for the Institute (taking into consideration  
14 long-term research and development on core issues con-  
15 ducted through the national research and development cen-  
16 ters). The Director shall identify topics that may require  
17 long-term research and topics that are focused on under-  
18 standing and solving particular education problems and  
19 issues, including those associated with the goals and re-  
20 quirements established in the Elementary and Secondary  
21 Education Act of 1965 (20 U.S.C. 6301 et seq.) and the  
22 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such  
23 as—

24 (1) closing the achievement gap between high-  
25 performing and low-performing children, especially

1       *achievement gaps between minority and nonminority*  
2       *children and between disadvantaged children and*  
3       *such children's more advantaged peers; and*

4           *(2) ensuring—*

5              *(A) that all children have the ability to ob-*  
6       *tain a high-quality education (from early child-*  
7       *hood through postsecondary education) and*  
8       *reach, at a minimum, proficiency on challenging*  
9       *State academic achievement standards and State*  
10      *academic assessments, particularly in mathe-*  
11      *matics, science, and reading or language arts;*

12           *(B) access to, and opportunities for, postsec-*  
13      *ondary education; and*

14           *(C) the efficacy, impact on academic*  
15      *achievement, and cost-effectiveness of technology*  
16      *use within the Nation's schools.*

17           *(b) APPROVAL.—The Board shall approve or dis-*  
18      *approve the priorities for the Institute proposed by the Di-*  
19      *rector, including any necessary revision of those priorities.*  
20      *The Board shall transmit any priorities so approved to the*  
21      *appropriate congressional committees.*

22           *(c) CONSISTENCY.—The Board shall ensure that prior-*  
23      *ties of the Institute and the National Education Centers*  
24      *are consistent with the mission of the Institute.*

25           *(d) PUBLIC AVAILABILITY AND COMMENT.—*

1                   (1) *PRIORITIES.*—Before submitting to the Board  
2     proposed priorities for the Institute, the Director shall  
3     make such priorities available to the public for com-  
4     ment for not less than 60 days (including by means  
5     of the Internet and through publishing such priorities  
6     in the Federal Register). The Director shall provide to  
7     the Board a copy of each such comment submitted.

8                   (2) *PLAN.*—Upon approval of such priorities, the  
9     Director shall make the Institute's plan for addressing  
10    such priorities available for public comment in the  
11    same manner as under paragraph (1).

12 **SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.**

13               (a) *ESTABLISHMENT.*—The Institute shall have a  
14    board of directors, which shall be known as the National  
15    Board for Education Sciences.

16               (b) *DUTIES.*—The duties of the Board shall be the fol-  
17    lowing:

18               (1) To advise and consult with the Director on  
19    the policies of the Institute.

20               (2) To consider and approve priorities proposed  
21    by the Director under section 115 to guide the work  
22    of the Institute.

23               (3) To review and approve procedures for tech-  
24    nical and scientific peer review of the activities of the  
25    Institute.

1                   (4) To advise the Director on the establishment  
2                   of activities to be supported by the Institute, includ-  
3                   ing the general areas of research to be carried out by  
4                   the National Center for Education Research.

5                   (5) To present to the Director such recommenda-  
6                   tions as it may find appropriate for—

7                         (A) the strengthening of education research;  
8                         and

9                         (B) the funding of the Institute.

10                  (6) To advise the Director on the funding of ap-  
11                  plications for grants, contracts, and cooperative  
12                  agreements for research, after the completion of peer  
13                  review.

14                  (7) To review and regularly evaluate the work of  
15                  the Institute, to ensure that scientifically valid re-  
16                  search, development, evaluation, and statistical anal-  
17                  ysis are consistent with the standards for such activi-  
18                  ties under this title.

19                  (8) To advise the Director on ensuring that ac-  
20                  tivities conducted or supported by the Institute are  
21                  objective, secular, neutral, and nonideological and are  
22                  free of partisan political influence and racial, cul-  
23                  tural, gender, or regional bias.

24                  (9) To solicit advice and information from those  
25                  in the educational field, particularly practitioners

1       *and researchers, to recommend to the Director topics*  
2       *that require long-term, sustained, systematic, pro-*  
3       *grammatic, and integrated research efforts, including*  
4       *knowledge utilization and wide dissemination of re-*  
5       *search, consistent with the priorities and mission of*  
6       *the Institute.*

7           *(10) To advise the Director on opportunities for*  
8       *the participation in, and the advancement of, women,*  
9       *minorities, and persons with disabilities in education*  
10      *research, statistics, and evaluation activities of the*  
11      *Institute.*

12          *(11) To recommend to the Director ways to en-*  
13       *hance strategic partnerships and collaborative efforts*  
14       *among other Federal and State research agencies.*

15          *(12) To recommend to the Director individuals*  
16       *to serve as Commissioners of the National Education*  
17       *Centers.*

18       *(c) COMPOSITION.—*

19          *(1) VOTING MEMBERS.—The Board shall have 15*  
20       *voting members appointed by the President, by and*  
21       *with the advice and consent of the Senate.*

22          *(2) ADVICE.—The President shall solicit advice*  
23       *regarding individuals to serve on the Board from the*  
24       *National Academy of Sciences, the National Science*  
25       *Board, and the National Science Advisor.*

1                             (3) *NONVOTING EX OFFICIO MEMBERS.*—*The*  
2                             *Board shall have the following nonvoting ex officio*  
3                             *members:*

4                             (A) *The Director of the Institute of Edu-*  
5                             *cation Sciences.*

6                             (B) *Each of the Commissioners of the Na-*  
7                             *tional Education Centers.*

8                             (C) *The Director of the National Institute of*  
9                             *Child Health and Human Development.*

10                             (D) *The Director of the Census.*

11                             (E) *The Commissioner of Labor Statistics.*

12                             (F) *The Director of the National Science*  
13                             *Foundation.*

14                             (4) *APPOINTED MEMBERSHIP.*—

15                             (A) *QUALIFICATIONS.*—*Members appointed*  
16                             *under paragraph (1) shall be highly qualified to*  
17                             *appraise education research, statistics, evalua-*  
18                             *tions, or development, and shall include the fol-*  
19                             *lowing individuals:*

20                             (i) *Not fewer than 8 researchers in the*  
21                             *field of statistics, evaluation, social sciences,*  
22                             *or physical and biological sciences, which*  
23                             *may include those researchers recommended*  
24                             *by the National Academy of Sciences.*

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

24 (I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(5) *CHAIR.—The Board shall elect a chair from among the members of the Board.*

19                   (6) *COMPENSATION.*—*Members of the Board shall*  
20                   *serve without pay for such service. Members of the*  
21                   *Board who are officers or employees of the United*  
22                   *States may not receive additional pay, allowances, or*  
23                   *benefits by reason of their service on the Board.*

24                   (7) *TRAVEL EXPENSES.*—*The members of the*  
25 *Board shall receive travel expenses, including per-*

1       *diem in lieu of subsistence, in accordance with sub-*  
2       *chapter I of chapter 57 of title 5, United States Code.*

3       (8) *POWERS OF THE BOARD.—*

4           (A) *EXECUTIVE DIRECTOR.—The Board*  
5       *shall have an Executive Director who shall be*  
6       *appointed by the Board.*

7           (B) *ADDITIONAL STAFF.—The Board shall*  
8       *utilize such additional staff as may be appointed*  
9       *or assigned by the Director, in consultation with*  
10      *the Chair and the Executive Director.*

11          (C) *DETAIL OF PERSONNEL.—The Board*  
12       *may use the services and facilities of any depart-*  
13       *ment or agency of the Federal Government.*  
14       *Upon the request of the Board, the head of any*  
15       *Federal department or agency may detail any of*  
16       *the personnel of that department or agency to the*  
17       *Board to assist the Board in carrying out this*  
18       *Act.*

19          (D) *CONTRACTS.—The Board may enter*  
20       *into contracts or make other arrangements as*  
21       *may be necessary to carry out its functions.*

22          (E) *INFORMATION.—The Board may, to the*  
23       *extent otherwise permitted by law, obtain di-*  
24       *rectly from any executive department or agency*  
25       *of the Federal Government such information as*

1           *the Board determines necessary to carry out its  
2           functions.*

3           *(9) MEETINGS.—The Board shall meet not less  
4           than 3 times each year. The Board shall hold addi-  
5           tional meetings at the call of the Chair or upon the  
6           written request of not less than 6 voting members of  
7           the Board. Meetings of the Board shall be open to the  
8           public.*

9           *(10) QUORUM.—A majority of the voting mem-  
10          bers of the Board serving at the time of the meeting  
11          shall constitute a quorum.*

12          *(d) STANDING COMMITTEES.—*

13           *(1) ESTABLISHMENT.—The Board may establish  
14          standing committees—*

15           *(A) that will each serve 1 of the National  
16          Education Centers; and*

17           *(B) to advise, consult with, and make rec-  
18          ommendations to the Director and the Commis-  
19          sioner of the appropriate National Education  
20          Center.*

21           *(2) MEMBERSHIP.—A majority of the members  
22          of each standing committee shall be voting members  
23          of the Board whose expertise is needed for the func-  
24          tioning of the committee. In addition, the membership*

1       of each standing committee may include, as  
2       appropriate—

3                  (A) experts and scientists in research, sta-  
4                  tistics, evaluation, or development who are recog-  
5                  nized in their discipline as highly qualified to  
6                  represent such discipline and who are not mem-  
7                  bers of the Board, but who may have been rec-  
8                  ommended by the Commissioner of the appro-  
9                  priate National Education Center and approved  
10                 by the Board;

11                  (B) *ex officio* members of the Board; and

12                  (C) policymakers and expert practitioners  
13                  with knowledge of, and experience using, the re-  
14                  sults of research, evaluation, and statistics who  
15                  are not members of the Board, but who may have  
16                  been recommended by the Commissioner of the  
17                  appropriate National Education Center and ap-  
18                  proved by the Board.

19                  (3) *DUTIES.*—Each standing committee shall—

20                  (A) review and comment, at the discretion  
21                  of the Board or the standing committee, on any  
22                  grant, contract, or cooperative agreement entered  
23                  into (or proposed to be entered into) by the ap-  
24                  plicable National Education Center;

1                   (B) prepare for, and submit to, the Board  
2                   an annual evaluation of the operations of the ap-  
3                   plicable National Education Center;

4                   (C) review and comment on the relevant  
5                   plan for activities to be undertaken by the appli-  
6                   cable National Education Center for each fiscal  
7                   year; and

8                   (D) report periodically to the Board regard-  
9                   ing the activities of the committee and the appli-  
10                  cable National Education Center.

11                 (e) ANNUAL REPORT.—The Board shall submit to the  
12 Director, the Secretary, and the appropriate congressional  
13 committees, not later than July 1 of each year, a report  
14 that assesses the effectiveness of the Institute in carrying  
15 out its priorities and mission, especially as such priorities  
16 and mission relate to carrying out scientifically valid re-  
17 search, conducting unbiased evaluations, collecting and re-  
18 porting accurate education statistics, and translating re-  
19 search into practice.

20                 (f) RECOMMENDATIONS.—The Board shall submit to  
21 the Director, the Secretary, and the appropriate congres-  
22 sional committees a report that includes any recomenda-  
23 tions regarding any actions that may be taken to enhance  
24 the ability of the Institute to carry out its priorities and  
25 mission. The Board shall submit an interim report not later

1 than 3 years after the date of enactment of this Act and  
2 a final report not later than 5 years after such date of en-  
3 actment.

4 **SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION**

5 **CENTERS.**

6 (a) **APPOINTMENT OF COMMISSIONERS.—**

7 (1) *IN GENERAL.—Except as provided in sub-*  
8 *section (b), each of the National Education Centers*  
9 *shall be headed by a Commissioner appointed by the*  
10 *Director. In appointing Commissioners, the Director*  
11 *shall seek to promote continuity in leadership of the*  
12 *National Education Centers and shall consider indi-*  
13 *viduals recommended by the Board. The Director may*  
14 *appoint a Commissioner to carry out the functions of*  
15 *a National Education Center without regard to the*  
16 *provisions of title 5, United States Code, governing*  
17 *appointments in the competitive service, and the pro-*  
18 *visions of chapter 51 and subchapter III of chapter 53*  
19 *of such title relating to classification and General*  
20 *Schedule pay rates.*

21 (2) *PAY AND QUALIFICATIONS.—Except as pro-*  
22 *vided in subsection (b), each Commissioner shall—*

23 (A) *receive the rate of basic pay for level IV*  
24 *of the Executive Schedule; and*

1                   (B) be highly qualified in the field of edu-  
2                   cation research or evaluation.

3                   (3) SERVICE.—Except as provided in subsection  
4                   (b), each Commissioner shall report to the Director. A  
5                   Commissioner shall serve for a period of not more  
6                   than 6 years, except that a Commissioner—

7                   (A) may be reappointed by the Director;  
8                   and

9                   (B) may serve after the expiration of that  
10                  Commissioner's term, until a successor has been  
11                  appointed, for a period not to exceed 1 addi-  
12                  tional year.

13                  (b) APPOINTMENT OF COMMISSIONER FOR EDUCATION  
14 STATISTICS.—The National Center for Education Statistics  
15 shall be headed by a Commissioner for Education Statistics  
16 who shall be appointed by the President, by and with the  
17 advice and consent of the Senate, and who shall—

18                  (1) have substantial knowledge of programs as-  
19                  sisted by the National Center for Education Statis-  
20                  tics;

21                  (2) receive the rate of basic pay for level IV of  
22                  the Executive Schedule; and

23                  (3) serve for a term of 6 years, with the term to  
24                  expire every sixth June 21, beginning in 2003.

1       (c) *COORDINATION.*—Each Commissioner of a Na-  
2 tional Education Center shall coordinate with each of the  
3 other Commissioners of the National Education Centers in  
4 carrying out such Commissioner's duties under this title.

5       (d) *SUPERVISION AND APPROVAL.*—Each Commis-  
6 sioner, except the Commissioner for Education Statistics,  
7 shall carry out such Commissioner's duties under this title  
8 under the supervision and subject to the approval of the  
9 Director.

10 **SEC. 118. AGREEMENTS.**

11       The Institute may carry out research projects of com-  
12 mon interest with entities such as the National Science  
13 Foundation and the National Institute of Child Health and  
14 Human Development through agreements with such entities  
15 that are in accordance with section 430 of the General Edu-  
16 cation Provisions Act (20 U.S.C. 1231).

17 **SEC. 119. BIENNIAL REPORT.**

18       The Director shall, on a biennial basis, transmit to  
19 the President, the Board, and the appropriate congressional  
20 committees, and make widely available to the public (in-  
21 cluding by means of the Internet), a report containing the  
22 following:

23           (1) A description of the activities carried out by  
24 and through the National Education Centers during  
25 the prior fiscal years.

1                   (2) *A summary of each grant, contract, and co-*  
2 *operative agreement in excess of \$100,000 funded*  
3 *through the National Education Centers during the*  
4 *prior fiscal years, including, at a minimum, the*  
5 *amount, duration, recipient, purpose of the award,*  
6 *and the relationship, if any, to the priorities and*  
7 *mission of the Institute, which shall be available in*  
8 *a user-friendly electronic database.*

9                   (3) *A description of how the activities of the Na-*  
10 *tional Education Centers are consistent with the*  
11 *principles of scientifically valid research and the pri-*  
12 *orities and mission of the Institute.*

13                  (4) *Such additional comments, recommenda-*  
14 *tions, and materials as the Director considers appro-*  
15 *priate.*

16 **SEC. 120. COMPETITIVE AWARDS.**

17                  *Activities carried out under this Act through grants,*  
18 *contracts, or cooperative agreements, at a minimum, shall*  
19 *be awarded on a competitive basis and, when practicable,*  
20 *through a process of peer review.*

1           **PART B—NATIONAL CENTER FOR**  
2           **EDUCATION RESEARCH**

3   **SEC. 131. ESTABLISHMENT.**

4       (a) *ESTABLISHMENT.*—There is established in the In-  
5 stitute a National Center for Education Research (in this  
6 part referred to as the “Research Center”).

7       (b) *MISSION.*—The mission of the Research Center is—  
8           (1) to sponsor sustained research that will lead  
9           to the accumulation of knowledge and understanding  
10          of education, to—

11           (A) ensure that all children have access to  
12          a high-quality education;

13           (B) improve student academic achievement,  
14          including through the use of educational tech-  
15          nology;

16           (C) close the achievement gap between high-  
17          performing and low-performing students through  
18          the improvement of teaching and learning of  
19          reading, writing, mathematics, science, and other  
20          academic subjects; and

21           (D) improve access to, and opportunity for,  
22          postsecondary education;

23           (2) to support the synthesis and, as appropriate,  
24          the integration of education research;

1                   (3) to promote quality and integrity through the  
2       use of accepted practices of scientific inquiry to ob-  
3       tain knowledge and understanding of the validity of  
4       education theories, practices, or conditions; and  
5                   (4) to promote scientifically valid research find-  
6       ings that can provide the basis for improving aca-  
7       demic instruction and lifelong learning.

8 **SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.**

9       The Research Center shall be headed by a Commis-  
10 sioner for Education Research (in this part referred to as  
11 the “Research Commissioner”) who shall have substantial  
12 knowledge of the activities of the Research Center, including  
13 a high level of expertise in the fields of research and research  
14 management.

15 **SEC. 133. DUTIES.**

16       (a) **GENERAL DUTIES.**—The Research Center shall—  
17                   (1) maintain published peer-review standards  
18       and standards for the conduct and evaluation of all  
19       research and development carried out under the aus-  
20       pices of the Research Center in accordance with this  
21       part;

22                   (2) propose to the Director a research plan  
23       that—

24                   (A) is consistent with the priorities and  
25       mission of the Institute and the mission of the

1           *Research Center and includes the activities de-*  
2           *scribed in paragraph (3); and*

3           *(B) shall be carried out pursuant to para-*  
4           *graph (4) and, as appropriate, be updated and*  
5           *modified;*

6           *(3) carry out specific, long-term research activi-*  
7           *ties that are consistent with the priorities and mis-*  
8           *sion of the Institute, and are approved by the Direc-*  
9           *tor;*

10          *(4) implement the plan proposed under para-*  
11          *graph (2) to carry out scientifically valid research*  
12          *that—*

13          *(A) uses objective and measurable indica-*  
14          *tors, including timelines, that are used to assess*  
15          *the progress and results of such research;*

16          *(B) meets the procedures for peer review es-*  
17          *tablished by the Director under section 114(f)(5)*  
18          *and the standards of research described in sec-*  
19          *tion 134; and*

20          *(C) includes both basic research and applied*  
21          *research, which shall include research conducted*  
22          *through field-initiated research and ongoing re-*  
23          *search initiatives;*

24          *(5) promote the use of scientifically valid re-*  
25          *search within the Federal Government, including ac-*

1       *tive participation in interagency research projects de-*  
2       *scribed in section 118;*

3           (6) *ensure that research conducted under the di-*  
4       *rection of the Research Center is relevant to education*  
5       *practice and policy;*

6           (7) *synthesize and disseminate, through the Na-*  
7       *tional Center for Education Evaluation and Regional*  
8       *Assistance, the findings and results of education re-*  
9       *search conducted or supported by the Research Center;*

10          (8) *assist the Director in the preparation of a bi-*  
11       *ennial report, as described in section 119;*

12          (9) *carry out research on successful State and*  
13       *local education reform activities, including those that*  
14       *result in increased academic achievement and in clos-*  
15       *ing the achievement gap, as approved by the Director;*

16          (10) *carry out research initiatives regarding the*  
17       *impact of technology, including—*

18              (A) *research into how technology affects stu-*  
19       *dent achievement;*

20              (B) *long-term research into cognition and*  
21       *learning issues as they relate to the uses of tech-*  
22       *nology;*

23              (C) *rigorous, peer-reviewed, large-scale,*  
24       *long-term, and broadly applicable empirical re-*  
25       *search that is designed to determine which ap-*

1           *proaches to the use of technology are most effec-*  
2           *tive and cost-efficient in practice and under*  
3           *what conditions; and*

4           *(D) field-based research on how teachers im-*  
5           *plement technology and Internet-based resources*  
6           *in the classroom, including an understanding*  
7           *how these resources are being accessed, put to*  
8           *use, and the effectiveness of such resources; and*  
9           *(11) carry out research that is rigorous, peer-re-*  
10          *viewed, and large scale to determine which methods of*  
11          *mathematics and science teaching are most effective,*  
12          *cost efficient, and able to be applied, duplicated, and*  
13          *scaled up for use in elementary and secondary class-*  
14          *rooms, including in low-performing schools, to im-*  
15          *prove the teaching of, and student achievement in,*  
16          *mathematics and science as required under the Ele-*  
17          *mentary and Secondary Education Act of 1965 (20*  
18          *U.S.C. 6301 et seq.).*

19          *(b) ELIGIBILITY.—Research carried out under sub-*  
20          *section (a) through contracts, grants, or cooperative agree-*  
21          *ments shall be carried out only by recipients with the abil-*  
22          *ity and capacity to conduct scientifically valid research.*

23          *(c) NATIONAL RESEARCH AND DEVELOPMENT CEN-*  
24          *TERS.—*

1                   (1) *SUPPORT.*—In carrying out activities under  
2 subsection (a)(3), the Research Commissioner shall  
3 support not less than 8 national research and devel-  
4 opment centers. The Research Commissioner shall as-  
5 sign each of the 8 national research and development  
6 centers not less than 1 of the topics described in para-  
7 graph (2). In addition, the Research Commissioner  
8 may assign each of the 8 national research and devel-  
9 opment centers additional topics of research consistent  
10 with the mission and priorities of the Institute and  
11 the mission of the Research Center.

12                   (2) *TOPICS OF RESEARCH.*—The Research Com-  
13 missioner shall support the following topics of re-  
14 search, through national research and development  
15 centers or through other means:

16                   (A) Adult literacy.

17                   (B) Assessment, standards, and account-  
18 ability research.

19                   (C) Early childhood development and edu-  
20 cation.

21                   (D) English language learners research.

22                   (E) Improving low achieving schools.

23                   (F) Innovation in education reform.

24                   (G) State and local policy.

25                   (H) Postsecondary education and training.

1                   (I) *Rural education.*

2                   (J) *Teacher quality.*

3                   (K) *Reading and literacy.*

4                   (3) *DUTIES OF CENTERS.—The national research*  
5                   *and development centers shall address areas of na-*  
6                   *tional need, including in educational technology*  
7                   *areas. The Research Commissioner may support addi-*  
8                   *tional national research and development centers to*  
9                   *address topics of research not described in paragraph*  
10                   *(2) if such topics are consistent with the priorities*  
11                   *and mission of the Institute and the mission of the*  
12                   *Research Center. The research carried out by the cen-*  
13                   *ters shall incorporate the potential or existing role of*  
14                   *educational technology, where appropriate, in achiev-*  
15                   *ing the goals of each center.*

16                   (4) *SCOPE.—Support for a national research*  
17                   *and development center shall be for a period of not*  
18                   *more than 5 years, shall be of sufficient size and scope*  
19                   *to be effective, and notwithstanding section 134(b),*  
20                   *may be renewed without competition for not more*  
21                   *than 5 additional years if the Director, in consulta-*  
22                   *tion with the Research Commissioner and the Board,*  
23                   *determines that the research of the national research*  
24                   *and development center—*

1                   (A) continues to address priorities of the In-  
2                   stitute; and

3                   (B) merits renewal (applying the procedures  
4                   and standards established in section 134).

5                   (5) *LIMIT.*—No national research and develop-  
6                   ment center may be supported under this subsection  
7                   for a period of more than 10 years without submit-  
8                   ting to a competitive process for the award of the sup-  
9                   port.

10                  (6) *CONTINUATION OF AWARDS.*—The Director  
11                  shall continue awards made to the national research  
12                  and development centers that are in effect on the day  
13                  before the date of enactment of this Act in accordance  
14                  with the terms of those awards and may renew them  
15                  in accordance with paragraphs (4) and (5).

16                  (7) *DISAGGREGATION.*—To the extent feasible, re-  
17                  search conducted under this subsection shall be  
18                  disaggregated by age, race, gender, and socioeconomic  
19                  background.

20 **SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF**  
21 **RESEARCH.**

22                  (a) *IN GENERAL.*—In carrying out this part, the Re-  
23                  search Commissioner shall—

1                   (1) ensure that all research conducted under the  
2 direction of the Research Center follows scientifically  
3 based research standards;

4                   (2) develop such other standards as may be nec-  
5 essary to govern the conduct and evaluation of all re-  
6 search, development, and wide dissemination activi-  
7 ties carried out by the Research Center to assure that  
8 such activities meet the highest standards of profes-  
9 sional excellence;

10                  (3) review the procedures utilized by the Na-  
11 tional Institutes of Health, the National Science  
12 Foundation, and other Federal departments or agen-  
13 cies engaged in research and development, and ac-  
14 tively solicit recommendations from research organi-  
15 zations and members of the general public in the de-  
16 velopment of the standards described in paragraph  
17 (2); and

18                  (4) ensure that all research complies with Fed-  
19 eral guidelines relating to research misconduct.

20                  (b) *PEER REVIEW.*—

21                  (1) *IN GENERAL.*—The Director shall establish a  
22 peer review system, involving highly qualified indi-  
23 viduals with an in-depth knowledge of the subject to  
24 be investigated, for reviewing and evaluating all ap-  
25 plications for grants and cooperative agreements that

1       *exceed \$100,000, and for evaluating and assessing the*  
2       *products of research by all recipients of grants and*  
3       *cooperative agreements under this Act.*

4              (2) *EVALUATION.—The Research Commissioner*  
5       *shall—*

6                  (A) *develop the procedures to be used in*  
7       *evaluating applications for research grants, co-*  
8       *operative agreements, and contracts, and specify*  
9       *the criteria and factors (including, as applicable,*  
10      *the use of longitudinal data linking test scores,*  
11      *enrollment, and graduation rates over time)*  
12      *which shall be considered in making such evalua-*  
13      *tions; and*

14                  (B) *evaluate the performance of each recipi-*  
15      *ent of an award of a research grant, contract, or*  
16      *cooperative agreement at the conclusion of the*  
17      *award.*

18              (c) *LONG-TERM RESEARCH.—The Research Commis-*  
19      *sioner shall ensure that not less than 50 percent of the funds*  
20      *made available for research for each fiscal year shall be used*  
21      *to fund long-term research programs of not less than 5*  
22      *years, which support the priorities and mission of the Insti-*  
23      *tute and the mission of the Research Center.*

1           **PART C—NATIONAL CENTER FOR**  
2           **EDUCATION STATISTICS**

3   **SEC. 151. ESTABLISHMENT.**

4       (a) *ESTABLISHMENT.*—There is established in the In-  
5 stitute a National Center for Education Statistics (in this  
6 part referred to as the “Statistics Center”).

7       (b) *MISSION.*—The mission of the Statistics Center  
8 shall be—

9           (1) to collect and analyze education information  
10          and statistics in a manner that meets the highest  
11          methodological standards;

12           (2) to report education information and statis-  
13          tics in a timely manner; and

14           (3) to collect, analyze, and report education in-  
15          formation and statistics in a manner that—

16              (A) is objective, secular, neutral, and non-  
17          ideological and is free of partisan political influ-  
18          ence and racial, cultural, gender, or regional  
19          bias; and

20              (B) is relevant and useful to practitioners,  
21          researchers, policymakers, and the public.

22   **SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.**

23       The Statistics Center shall be headed by a Commis-  
24 sioner for Education Statistics (in this part referred to as  
25 the “Statistics Commissioner”) who shall be highly quali-

1 fied and have substantial knowledge of statistical meth-  
2 odologies and activities undertaken by the Statistics Center.

3 **SEC. 153. DUTIES.**

4 (a) *GENERAL DUTIES.*—The Statistics Center shall  
5 collect, report, analyze, and disseminate statistical data re-  
6 lated to education in the United States and in other na-  
7 tions, including—

8 (1) collecting, acquiring, compiling (where ap-  
9 propriate, on a State-by-State basis), and dissemi-  
10 nating full and complete statistics (disaggregated by  
11 the population characteristics described in paragraph  
12 (3)) on the condition and progress of education, at the  
13 preschool, elementary, secondary, postsecondary, and  
14 adult levels in the United States, including data on—

15 (A) State and local education reform activi-  
16 ties;

17 (B) State and local early childhood school  
18 readiness activities;

19 (C) student achievement in, at a minimum,  
20 the core academic areas of reading, mathematics,  
21 and science at all levels of education;

22 (D) secondary school completions, dropouts,  
23 and adult literacy and reading skills;

1                   (E) access to, and opportunity for, postsec-  
2                   ondary education, including data on financial  
3                   aid to postsecondary students;

4                   (F) teaching, including—

5                         (i) data on in-service professional de-  
6                         velopment, including a comparison of  
7                         courses taken in the core academic areas of  
8                         reading, mathematics, and science with  
9                         courses in noncore academic areas, includ-  
10                         ing technology courses; and

11                         (ii) the percentage of teachers who are  
12                         highly qualified (as such term is defined in  
13                         section 9101 of the Elementary and Sec-  
14                         ondary Education Act of 1965 (20 U.S.C.  
15                         7801)) in each State and, where feasible, in  
16                         each local educational agency and school;

17                   (G) instruction, the conditions of the edu-  
18                         cation workplace, and the supply of, and de-  
19                         mand for, teachers;

20                   (H) the incidence, frequency, seriousness,  
21                         and nature of violence affecting students, school  
22                         personnel, and other individuals participating  
23                         in school activities, as well as other indices of  
24                         school safety, including information regarding—



1           *and technical education programs by specific  
2           program area; and*

3           *(O) the existence and use of school libraries;  
4           (2) conducting and publishing reports on the  
5           meaning and significance of the statistics described in  
6           paragraph (1);*

7           *(3) collecting, analyzing, cross-tabulating, and  
8           reporting, to the extent feasible, information by gen-  
9           der, race, ethnicity, socioeconomic status, limited  
10          English proficiency, mobility, disability, urban,  
11          rural, suburban districts, and other population char-  
12          acteristics, when such disaggregated information will  
13          facilitate educational and policy decisionmaking;*

14           *(4) assisting public and private educational  
15          agencies, organizations, and institutions in improv-  
16          ing and automating statistical and data collection ac-  
17          tivities, which may include assisting State edu-  
18          cational agencies and local educational agencies with  
19          the disaggregation of data and with the development  
20          of longitudinal student data systems;*

21           *(5) determining voluntary standards and guide-  
22          lines to assist State educational agencies in devel-  
23          oping statewide longitudinal data systems that link  
24          individual student data consistent with the require-  
25          ments of the Elementary and Secondary Education*

1       *Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages*  
2       *across States, and protect student privacy consistent*  
3       *with section 183, to improve student academic*  
4       *achievement and close achievement gaps;*

5               *(6) acquiring and disseminating data on edu-*  
6       *cational activities and student achievement (such as*  
7       *the Third International Math and Science Study) in*  
8       *the United States compared with foreign nations;*

9               *(7) conducting longitudinal and special data col-*  
10      *lections necessary to report on the condition and*  
11      *progress of education;*

12               *(8) assisting the Director in the preparation of*  
13      *a biennial report, as described in section 119; and*

14               *(9) determining, in consultation with the Na-*  
15      *tional Research Council of the National Academies,*  
16      *methodology by which States may accurately measure*  
17      *graduation rates (defined as the percentage of stu-*  
18      *dents who graduate from secondary school with a reg-*  
19      *ular diploma in the standard number of years),*  
20      *school completion rates, and dropout rates.*

21               *(b) TRAINING PROGRAM.—The Statistics Commis-*  
22      *sioner may establish a program to train employees of public*  
23      *and private educational agencies, organizations, and insti-*  
24      *tutions in the use of standard statistical procedures and*  
25      *concepts, and may establish a fellowship program to ap-*

1 point such employees as temporary fellows at the Statistics  
2 Center, in order to assist the Statistics Center in carrying  
3 out its duties.

4 **SEC. 154. PERFORMANCE OF DUTIES.**

5 (a) *GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.*—In carrying out the duties under this part, the  
6 Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical  
7 assistance.

8 10 (b) *GATHERING INFORMATION.*—

9 11 (1) *SAMPLING.*—The Statistics Commissioner  
12 may use the statistical method known as sampling  
13 (including random sampling) to carry out this part.

14 (2) *SOURCE OF INFORMATION.*—The Statistics  
15 Commissioner may, as appropriate, use information  
16 collected—

17 (A) from States, local educational agencies,  
18 public and private schools, preschools, institutions  
19 of higher education, vocational and adult  
20 education programs, libraries, administrators,  
21 teachers, students, the general public, and other  
22 individuals, organizations, agencies, and institutions  
23 (including information collected by States  
24 and local educational agencies for their own  
25 use); and

1                   (B) by other offices within the Institute and  
2                   by other Federal departments, agencies, and in-  
3                   strumentalities.

4                   (3) *COLLECTION.*—The Statistics Commissioner  
5                   may—

6                   (A) enter into interagency agreements for  
7                   the collection of statistics;

8                   (B) arrange with any agency, organization,  
9                   or institution for the collection of statistics; and

10                  (C) assign employees of the Statistics Center  
11                  to any such agency, organization, or institution  
12                  to assist in such collection.

13                  (4) *TECHNICAL ASSISTANCE AND COORDINA-*  
14                  *TION.*—In order to maximize the effectiveness of De-  
15                  partment efforts to serve the educational needs of chil-  
16                  dren and youth, the Statistics Commissioner shall—

17                  (A) provide technical assistance to the De-  
18                  partment offices that gather data for statistical  
19                  purposes; and

20                  (B) coordinate with other Department of-  
21                  fices in the collection of data.

22                  (c) *DURATION.*—Notwithstanding any other provision  
23                  of law, the grants, contracts, and cooperative agreements  
24                  under this section may be awarded, on a competitive basis,  
25                  for a period of not more than 5 years, and may be renewed

1 at the discretion of the Statistics Commissioner for an addi-  
2 tional period of not more than 5 years.

3 **SEC. 155. REPORTS.**

4 (a) *PROCEDURES FOR ISSUANCE OF REPORTS.*—The  
5 Statistics Commissioner, shall establish procedures, in ac-  
6 cordance with section 186, to ensure that the reports issued  
7 under this section are relevant, of high quality, useful to  
8 customers, subject to rigorous peer review, produced in a  
9 timely fashion, and free from any partisan political influ-  
10 ence.

11 (b) *REPORT ON CONDITION AND PROGRESS OF EDU-  
12 CATION.*—Not later than June 1, 2003, and each June 1  
13 thereafter, the Statistics Commissioner, shall submit to the  
14 President and the appropriate congressional committees a  
15 statistical report on the condition and progress of education  
16 in the United States.

17 (c) *STATISTICAL REPORTS.*—The Statistics Commis-  
18 sioner shall issue regular and, as necessary, special statis-  
19 tical reports on education topics, particularly in the core  
20 academic areas of reading, mathematics, and science, con-  
21 sistent with the priorities and the mission of the Statistics  
22 Center.

23 **SEC. 156. DISSEMINATION.**

24 (a) *GENERAL REQUESTS.*—

1                   (1) *IN GENERAL.*—*The Statistics Center may*  
2                   *furnish transcripts or copies of tables and other sta-*  
3                   *tistical records and make special statistical compila-*  
4                   *tions and surveys for State and local officials, public*  
5                   *and private organizations, and individuals.*

6                   (2) *COMPILATIONS.*—*The Statistics Center shall*  
7                   *provide State educational agencies, local educational*  
8                   *agencies, and institutions of higher education with*  
9                   *opportunities to suggest the establishment of par-*  
10                  *ticular compilations of statistics, surveys, and anal-*  
11                  *yses that will assist those educational agencies.*

12                  (b) *CONGRESSIONAL REQUESTS.*—*The Statistics Cen-*  
13                  *ter shall furnish such special statistical compilations and*  
14                  *surveys as the relevant congressional committees may re-*  
15                  *quest.*

16                  (c) *JOINT STATISTICAL PROJECTS.*—*The Statistics*  
17                  *Center may engage in joint statistical projects related to*  
18                  *the mission of the Center, or other statistical purposes au-*  
19                  *thorized by law, with nonprofit organizations or agencies,*  
20                  *and the cost of such projects shall be shared equitably as*  
21                  *determined by the Secretary.*

22                  (d) *FEES.*—

23                  (1) *IN GENERAL.*—*Statistical compilations and*  
24                  *surveys under this section, other than those carried*  
25                  *out pursuant to subsections (b) and (c), may be made*

1       *subject to the payment of the actual or estimated cost*  
2       *of such work.*

3           (2) *FUNDS RECEIVED.—All funds received in*  
4       *payment for work or services described in this sub-*  
5       *section may be used to pay directly the costs of such*  
6       *work or services, to repay appropriations that ini-*  
7       *tially bore all or part of such costs, or to refund excess*  
8       *sums when necessary.*

9           (e) *ACCESS.—*

10           (1) *OTHER AGENCIES.—The Statistics Center*  
11       *shall, consistent with section 183, cooperate with other*  
12       *Federal agencies having a need for educational data*  
13       *in providing access to educational data received by*  
14       *the Statistics Center.*

15           (2) *INTERESTED PARTIES.—The Statistics Cen-*  
16       *ter shall, in accordance with such terms and condi-*  
17       *tions as the Center may prescribe, provide all inter-*  
18       *ested parties, including public and private agencies,*  
19       *parents, and other individuals, direct access, in the*  
20       *most appropriate form (including, where possible,*  
21       *electronically), to data collected by the Statistics Cen-*  
22       *ter for the purposes of research and acquiring statis-*  
23       *tical information.*

1   **SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

2       *The Statistics Center may establish 1 or more national  
3   cooperative education statistics systems for the purpose of  
4   producing and maintaining, with the cooperation of the  
5   States, comparable and uniform information and data on  
6   early childhood education, elementary and secondary edu-  
7   cation, postsecondary education, adult education, and li-  
8   braries, that are useful for policymaking at the Federal,  
9   State, and local levels.*

10   **SEC. 158. STATE DEFINED.**

11       *In this part, the term “State” means each of the 50  
12   States, the District of Columbia, and the Commonwealth  
13   of Puerto Rico.*

14   **PART D—NATIONAL CENTER FOR EDU-  
15       CATION EVALUATION AND REGIONAL  
16       ASSISTANCE**

17   **SEC. 171. ESTABLISHMENT.**

18       *(a) ESTABLISHMENT.—There is established in the In-  
19   stitute a National Center for Education Evaluation and  
20   Regional Assistance.*

21       *(b) MISSION.—The mission of the National Center for  
22   Education Evaluation and Regional Assistance shall be—  
23              (1) to provide technical assistance;  
24              (2) to conduct evaluations of Federal education  
25   programs administered by the Secretary (and as time  
26   and resources allow, other education programs) to de-*

1 determine the impact of such programs (especially on  
2 student academic achievement in the core academic  
3 areas of reading, mathematics, and science);

4                   (3) to support synthesis and wide dissemination  
5                   of results of evaluation, research, and products devel-  
6                   oped; and

7                   (4) to encourage the use of scientifically valid  
8       education research and evaluation throughout the  
9       United States.

10           (c) GRANTS, CONTRACTS, AND COOPERATIVE AGREE-  
11 MENTS.—In carrying out the duties under this part, the  
12 Director may award grants, enter into contracts and coop-  
13 erative agreements, and provide technical assistance.

14 SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION  
15 AND REGIONAL ASSISTANCE.

16       (a) IN GENERAL.—The National Center for Education  
17 Evaluation and Regional Assistance shall be headed by a  
18 Commissioner for Education Evaluation and Regional As-  
19 sistance (in this part referred to as the “Evaluation and  
20 Regional Assistance Commissioner”) who is highly quali-  
21 fied and has demonstrated a capacity to carry out the mis-  
22 sion of the Center and shall—

23                   (1) conduct evaluations pursuant to section 173;

24                   (2) widely disseminate information on scientific

25                    valid research, statistics, and evaluation on

1       *education, particularly to State educational agencies*  
2       *and local educational agencies, to institutions of high-*  
3       *er education, to the public, the media, voluntary orga-*  
4       *nizations, professional associations, and other con-*  
5       *stituencies, especially with respect to information re-*  
6       *lating to, at a minimum—*

7               *(A) the core academic areas of reading,*  
8               *mathematics, and science;*

9               *(B) closing the achievement gap between*  
10       *high-performing students and low-performing*  
11       *students;*

12               *(C) educational practices that improve aca-*  
13       *demic achievement and promote learning;*

14               *(D) education technology, including soft-*  
15       *ware; and*

16               *(E) those topics covered by the Educational*  
17       *Resources Information Center Clearinghouses (es-*  
18       *tablished under section 941(f) of the Educational*  
19       *Research, Development, Dissemination, and Im-*  
20       *provement Act of 1994 (20 U.S.C. 6041(f)) (as*  
21       *such provision was in effect on the day before the*  
22       *date of enactment of this Act);*

23               *(3) make such information accessible in a user-*  
24       *friendly, timely, and efficient manner (including*  
25       *through use of a searchable Internet-based online*

1       *database that shall include all topics covered in para-*  
2       *graph (2)(E)) to schools, institutions of higher edu-*  
3       *cation, educators (including early childhood edu-*  
4       *cators), parents, administrators, policymakers, re-*  
5       *searchers, public and private entities (including pro-*  
6       *viders of early childhood services), entities responsible*  
7       *for carrying out technical assistance through the De-*  
8       *partment, and the general public;*

9               *(4) support the regional educational laboratories*  
10       *in conducting applied research, the development and*  
11       *dissemination of educational research, products and*  
12       *processes, the provision of technical assistance, and*  
13       *other activities to serve the educational needs of such*  
14       *laboratories' regions;*

15               *(5) manage the National Library of Education*  
16       *described in subsection (d), and other sources of digi-*  
17       *tal information on education research;*

18               *(6) assist the Director in the preparation of a bi-*  
19       *ennial report, described in section 119; and*

20               *(7) award a contract for a prekindergarten*  
21       *through grade 12 mathematics and science teacher*  
22       *clearinghouse.*

23       *(b) ADDITIONAL DUTIES.—In carrying out subsection*  
24       *(a), the Evaluation and Regional Assistance Commissioner*  
25       *shall—*

1                   (1) ensure that information disseminated under  
2 this section is provided in a cost-effective, nonduplica-  
3 tive manner that includes the most current research  
4 findings, which may include through the continuation  
5 of individual clearinghouses authorized under the  
6 Educational Research, Development, Dissemination,  
7 and Improvement Act of 1994 (title IX of the Goals  
8 2000: Educate America Act; 20 U.S.C. 6001 et seq.)  
9 (as such Act existed on the day before the date of en-  
10 actment of this Act);

11                  (2) describe prominently the type of scientific  
12 evidence that is used to support the findings that are  
13 disseminated;

14                  (3) explain clearly the scientifically appropriate  
15 and inappropriate uses of—

16                      (A) the findings that are disseminated; and

17                      (B) the types of evidence used to support  
18 those findings; and

19                  (4) respond, as appropriate, to inquiries from  
20 schools, educators, parents, administrators, policy-  
21 makers, researchers, public and private entities, and  
22 entities responsible for carrying out technical assist-  
23 ance.

24                  (c) *CONTINUATION.—The Director shall continue*  
25 *awards for the support of the Educational Resources Infor-*

1 mation Center Clearinghouses and contracts for regional  
2 educational laboratories (established under subsections (f)  
3 and (h) of section 941 of the Educational Research, Devel-  
4 opment, Dissemination, and Improvement Act of 1994 (20  
5 U.S.C. 6041(f) and (h)) (as such awards were in effect on  
6 the day before the date of enactment of this Act)) for the  
7 duration of those awards, in accordance with the terms and  
8 agreements of such awards.

9           (d) NATIONAL LIBRARY OF EDUCATION.—

10           (1) ESTABLISHMENT.—There is established within  
11       in the National Center for Education Evaluation and  
12       Regional Assistance a National Library of Education  
13       that shall—

14           (A) be headed by an individual who is highly  
15       qualified in library science;

16           (B) collect and archive information;

17           (C) provide a central location within the  
18       Federal Government for information about edu-  
19       cation;

20           (D) provide comprehensive reference services  
21       on matters related to education to employees of  
22       the Department of Education and its contractors  
23       and grantees, other Federal employees, and mem-  
24       bers of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

*(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—*

13 (i) consistent with—

1           *provision was in effect on the day before the*  
2           *date of enactment of this Act))).*

3   **SEC. 173. EVALUATIONS.**

4       (a) *IN GENERAL.—*

5           (1) *REQUIREMENTS.—In carrying out its mis-*  
6           *sions, the National Center for Education Evaluation*  
7           *and Regional Assistance may—*

8           (A) *conduct or support evaluations con-*  
9           *sistent with the Center's mission as described in*  
10          *section 171(b);*

11          (B) *evaluate programs under title I of the*  
12          *Elementary and Secondary Education Act of*  
13          *1965 (20 U.S.C. 6301 et seq.);*

14          (C) *to the extent practicable, examine eval-*  
15          *uations conducted or supported by others in*  
16          *order to determine the quality and relevance of*  
17          *the evidence of effectiveness generated by those*  
18          *evaluations, with the approval of the Director;*

19          (D) *coordinate the activities of the National*  
20          *Center for Education Evaluation and Regional*  
21          *Assistance with other evaluation activities in the*  
22          *Department;*

23          (E) *review and, where feasible, supplement*  
24          *Federal education program evaluations, particu-*  
25          *larly those by the Department, to determine or*

1           *enhance the quality and relevance of the evidence  
2           generated by those evaluations;*

3           *(F) establish evaluation methodology; and  
4           (G) assist the Director in the preparation of  
5           the biennial report, as described in section 119.*

6           *(2) ADDITIONAL REQUIREMENTS.—Each evalua-  
7           tion conducted by the National Center for Education  
8           Evaluation and Regional Assistance pursuant to  
9           paragraph (1) shall—*

10           *(A) adhere to the highest possible standards  
11           of quality for conducting scientifically valid edu-  
12           cation evaluation; and*

13           *(B) be subject to rigorous peer-review.*

14           *(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE  
15           I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT  
16           OF 1965.—The Evaluation and Regional Assistance Com-  
17           missioner, consistent with the mission of the National Cen-  
18           ter for Education Evaluation and Regional Assistance  
19           under section 171(b), shall administer all operations and  
20           contracts associated with evaluations authorized by part E  
21           of title I of the Elementary and Secondary Education Act  
22           of 1965 (20 U.S.C. 6491 et seq.) and administered by the  
23           Department as of the date of enactment of this Act.*

1   **SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RE-**  
2                 **SEARCH, DEVELOPMENT, DISSEMINATION,**  
3                 **AND TECHNICAL ASSISTANCE.**

4         (a) *REGIONAL EDUCATIONAL LABORATORIES.*—The  
5     *Director shall enter into contracts with entities to establish*  
6     *a networked system of 10 regional educational laboratories*  
7     *that serve the needs of each region of the United States in*  
8     *accordance with the provisions of this section. The amount*  
9     *of assistance allocated to each laboratory by the Evaluation*  
10   *and Regional Assistance Commissioner shall reflect the*  
11   *number of local educational agencies and the number of*  
12   *school-age children within the region served by such labora-*  
13   *tory, as well as the cost of providing services within the*  
14   *geographic area encompassed by the region.*

15         (b) *REGIONS.*—*The regions served by the regional edu-*  
16   *cational laboratories shall be the 10 geographic regions*  
17   *served by the regional educational laboratories established*  
18   *under section 941(h) of the Educational Research, Develop-*  
19   *ment, Dissemination, and Improvement Act of 1994 (as*  
20   *such provision existed on the day before the date of enact-*  
21   *ment of this Act).*

22         (c) *ELIGIBLE APPLICANTS.*—*The Director may enter*  
23   *into contracts under this section with research organiza-*  
24   *tions, institutions, agencies, institutions of higher edu-*  
25   *cation, or partnerships among such entities, or individuals,*  
26   *with the demonstrated ability or capacity to carry out the*

1 activities described in this section, including regional enti-  
2 ties that carried out activities under the Educational Re-  
3 search, Development, Dissemination, and Improvement Act  
4 of 1994 (as such Act existed on the day before the date of  
5 enactment of this Act) and title XIII of the Elementary and  
6 Secondary Education Act of 1965 (as such title existed on  
7 the day before the date of enactment of the No Child Left  
8 Behind Act of 2001 (Public Law 107–110)).

9 (d) APPLICATIONS.—

10 (1) SUBMISSION.—Each applicant desiring a  
11 contract under this section shall submit an applica-  
12 tion at such time, in such manner, and containing  
13 such information as the Director may reasonably re-  
14 quire.

15 (2) PLAN.—Each application submitted under  
16 paragraph (1) shall contain a 5-year plan for car-  
17 rying out the activities described in this section in a  
18 manner that addresses the priorities established under  
19 section 207 and addresses the needs of all States (and  
20 to the extent practicable, of local educational agen-  
21 cies) within the region to be served by the regional  
22 educational laboratory, on an ongoing basis.

23 (e) ENTERING INTO CONTRACTS.—

24 (1) IN GENERAL.—In entering into contracts  
25 under this section, the Director shall—

1                   (A) enter into contracts for a 5-year period;

2                   and

3                   (B) ensure that regional educational labora-  
4                   tories established under this section have strong  
5                   and effective governance, organization, manage-  
6                   ment, and administration, and employ qualified  
7                   staff.

8                   (2) COORDINATION.—In order to ensure coordi-  
9                   nation and prevent unnecessary duplication of activi-  
10                  ties among the regions, the Evaluation and Regional  
11                  Assistance Commissioner shall—

12                  (A) share information about the activities of  
13                  each regional educational laboratory awarded a  
14                  contract under this section with each other re-  
15                  gional educational laboratory awarded a con-  
16                  tract under this section and with the Depart-  
17                  ment of Education, including the Director and  
18                  the Board;

19                  (B) oversee a strategic plan for ensuring  
20                  that each regional educational laboratory award-  
21                  ed a contract under this section increases col-  
22                  laboration and resource-sharing in such activi-  
23                  ties;

24                  (C) ensure, where appropriate, that the ac-  
25                  tivities of each regional educational laboratory

1       awarded a contract under this section also serve  
2       national interests; and

3                 (D) ensure that each regional educational  
4       laboratory awarded a contract under this section  
5       coordinates such laboratory's activities with the  
6       activities of each other regional technical assist-  
7       ance provider.

8                 (3) *OUTREACH*.—In conducting competitions for  
9       contracts under this section, the Director shall—

10                 (A) actively encourage eligible entities to  
11       compete for such awards by making information  
12       and technical assistance relating to the competi-  
13       tion widely available; and

14                 (B) seek input from the chief executive offi-  
15       cers of States, chief State school officers, edu-  
16       cators, and parents regarding the need for ap-  
17       plied research, wide dissemination, training,  
18       technical assistance, and development activities  
19       authorized by this title in the regions to be  
20       served by the regional educational laboratories  
21       and how those educational needs could be ad-  
22       dressed most effectively.

23                 (4) *OBJECTIVES AND INDICATORS*.—Before enter-  
24       ing into a contract under this section, the Director  
25       shall design specific objectives and measurable indica-

1       tors to be used to assess the particular programs or  
2       initiatives, and ongoing progress and performance, of  
3       the regional educational laboratories, in order to en-  
4       sure that the educational needs of the region are being  
5       met and that the latest and best research and proven  
6       practices are being carried out as part of school im-  
7       provement efforts.

8                 (5) STANDARDS.—The Evaluation and Regional  
9       Assistance Commissioner shall establish a system for  
10      technical and peer review to ensure that applied re-  
11      search activities, research-based reports, and products  
12      of the regional educational laboratories are consistent  
13      with the research standards described in section 134  
14      and the evaluation standards adhered to pursuant to  
15      section 173(a)(2)(A).

16                 (f) CENTRAL MISSION AND PRIMARY FUNCTION.—  
17      Each regional educational laboratory awarded a contract  
18      under this section shall support applied research, develop-  
19      ment, wide dissemination, and technical assistance activi-  
20      ties by—

21                         (1) providing training (which may include sup-  
22      porting internships and fellowships and providing  
23      stipends) and technical assistance to State edu-  
24      cational agencies, local educational agencies, school  
25      boards, schools funded by the Bureau as appropriate,

1       and State boards of education regarding, at a  
2       minimum—

3                     (A) the administration and implementation  
4                     of programs under the Elementary and Sec-  
5                     ondary Education Act of 1965 (20 U.S.C. 6301  
6                     et seq.);

7                     (B) scientifically valid research in edu-  
8                     cation on teaching methods, assessment tools,  
9                     and high quality, challenging curriculum frame-  
10                  works for use by teachers and administrators in,  
11                  at a minimum—

12                     (i) the core academic subjects of mathe-  
13                     matics, science, and reading;

14                     (ii) English language acquisition;

15                     (iii) education technology; and

16                     (iv) the replication and adaption of ex-  
17                  emplary and promising practices and new  
18                  educational methods, including professional  
19                  development strategies and the use of edu-  
20                  cational technology to improve teaching and  
21                  learning; and

22                     (C) the facilitation of communication be-  
23                  tween educational experts, school officials, and  
24                  teachers, parents, and librarians, to enable such

1           *individuals to assist schools to develop a plan to*  
2           *meet the State education goals;*

3           *(2) developing and widely disseminating, includ-*  
4           *ing through Internet-based means, scientifically valid*  
5           *research, information, reports, and publications that*  
6           *are usable for improving academic achievement, clos-*  
7           *ing achievement gaps, and encouraging and sus-*  
8           *taining school improvement, to—*

9           *(A) schools, districts, institutions of higher*  
10          *education, educators (including early childhood*  
11          *educators and librarians), parents, policymakers,*  
12          *and other constituencies, as appropriate, within*  
13          *the region in which the regional educational lab-*  
14          *oratory is located; and*

15          *(B) the National Center for Education*  
16          *Evaluation and Regional Assistance;*

17          *(3) developing a plan for identifying and serving*  
18          *the needs of the region by conducting a continuing*  
19          *survey of the educational needs, strengths, and weak-*  
20          *nesses within the region, including a process of open*  
21          *hearings to solicit the views of schools, teachers, ad-*  
22          *ministrators, parents, local educational agencies, li-*  
23          *brarians, and State educational agencies within the*  
24          *region;*

- 1                   (4) in the event such quality applied research  
2     does not exist as determined by the regional edu-  
3     cational laboratory or the Department, carrying out  
4     applied research projects that are designed to serve the  
5     particular educational needs (in prekindergarten  
6     through grade 16) of the region in which the regional  
7     educational laboratory is located, that reflect findings  
8     from scientifically valid research, and that result in  
9     user-friendly, replicable school-based classroom appli-  
10    cations geared toward promoting increased student  
11    achievement, including using applied research to as-  
12    sist in solving site-specific problems and assisting in  
13    development activities (including high-quality and  
14    on-going professional development and effective paren-  
15    tal involvement strategies);
- 16                   (5) supporting and serving the educational devel-  
17    opment activities and needs of the region by pro-  
18    viding educational applied research in usable forms  
19    to promote school-improvement, academic achieve-  
20    ment, and the closing of achievement gaps and con-  
21    tributing to the current base of education knowledge  
22    by addressing enduring problems in elementary and  
23    secondary education and access to postsecondary edu-  
24    cation;

1                   (6) collaborating and coordinating services with  
2 other technical assistance providers funded by the De-  
3 partment of Education;

4                   (7) assisting in gathering information on school  
5 finance systems to promote improved access to edu-  
6 cational opportunities and to better serve all public  
7 school students;

8                   (8) assisting in gathering information on alter-  
9 native administrative structures that are more condu-  
10 cive to planning, implementing, and sustaining school  
11 reform and improved academic achievement;

12                  (9) bringing teams of experts together to develop  
13 and implement school improvement plans and strate-  
14 gies, especially in low-performing or high poverty  
15 schools; and

16                  (10) developing innovative approaches to the ap-  
17 plication of technology in education that are unlikely  
18 to originate from within the private sector, but which  
19 could result in the development of new forms of edu-  
20 cation software, education content, and technology-en-  
21 abled pedagogy.

22                 (g) ACTIVITIES.—Each regional educational labora-  
23 tory awarded a contract under this section shall carry out  
24 the following activities:

1                   (1) Collaborate with the National Education  
2                   Centers in order to—

3                   (A) maximize the use of research conducted  
4                   through the National Education Centers in the  
5                   work of such laboratory;

6                   (B) keep the National Education Centers  
7                   apprised of the work of the regional educational  
8                   laboratory in the field; and

9                   (C) inform the National Education Centers  
10                  about additional research needs identified in the  
11                  field.

12                  (2) Consult with the State educational agencies  
13                  and local educational agencies in the region in devel-  
14                  oping the plan for serving the region.

15                  (3) Develop strategies to utilize schools as critical  
16                  components in reforming education and revitalizing  
17                  rural communities in the United States.

18                  (4) Report and disseminate information on over-  
19                  coming the obstacles faced by educators and schools in  
20                  high poverty, urban, and rural areas.

21                  (5) Identify successful educational programs that  
22                  have either been developed by such laboratory in car-  
23                  rying out such laboratory's functions or that have  
24                  been developed or used by others within the region  
25                  served by the laboratory and make such information

1       *available to the Secretary and the network of regional  
2        educational laboratories so that such programs may  
3        be considered for inclusion in the national education  
4        dissemination system.*

5       *(h) GOVERNING BOARD AND ALLOCATION.—*

6           *(1) IN GENERAL.—In carrying out its respon-  
7        sibilities, each regional educational laboratory award-  
8        ed a contract under this section, in keeping with the  
9        terms and conditions of such laboratory's contract,  
10      shall—*

11           *(A) establish a governing board that—*

12                  *(i) reflects a balanced representation  
13        of—*

14                          *(I) the States in the region;*

15                          *(II) the interests and concerns of  
16        regional constituencies; and*

17                          *(III) technical expertise;*

18                  *(ii) includes the chief State school offi-  
19        cer or such officer's designee of each State  
20        represented in such board's region;*

21                  *(iii) includes—*

22                          *(I) representatives nominated by  
23        chief executive officers of States and  
24        State organizations of superintendents,  
25        principals, institutions of higher edu-*

8 (iv) is the sole entity that—

(II) determines the regional agenda of the laboratory;

1                   *of the regional educational laboratory*  
2                   *for the duration of the contract period;*

3                   (i) *ensures that the regional edu-*  
4                   *cational laboratory attains and maintains*  
5                   *a high level of quality in the laboratory's*  
6                   *work and products;*

7                   (ii) *establishes standards to ensure*  
8                   *that the regional educational laboratory has*  
9                   *strong and effective governance, organiza-*  
10                  *tion, management, and administration, and*  
11                  *employs qualified staff;*

12                  (iii) *directs the regional educational*  
13                  *laboratory to carry out the laboratory's du-*  
14                  *ties in a manner that will make progress to-*  
15                  *ward achieving the State education goals*  
16                  *and reforming schools and educational sys-*  
17                  *tems; and*

18                  (iv) *conducts a continuing survey of*  
19                  *the educational needs, strengths, and weak-*  
20                  *nesses within the region, including a process*  
21                  *of open hearings to solicit the views of*  
22                  *schools and teachers; and*

23                  (B) *allocate the regional educational labora-*  
24                  *tory's resources to and within each State in a*  
25                  *manner which reflects the need for assistance,*

1           *taking into account such factors as the propor-*  
2           *tion of economically disadvantaged students, the*  
3           *increased cost burden of service delivery in areas*  
4           *of sparse populations, and any special initia-*  
5           *tives being undertaken by State, intermediate,*  
6           *local educational agencies, or Bureau-funded*  
7           *schools, as appropriate, which may require spe-*  
8           *cial assistance from the laboratory.*

9           (2) *SPECIAL RULE.—If a regional educational*  
10          *laboratory needs flexibility in order to meet the re-*  
11          *quirements of paragraph (1)(A)(i), the regional edu-*  
12          *cational laboratory may select not more than 10 per-*  
13          *cent of the governing board from individuals outside*  
14          *those representatives nominated in accordance with*  
15          *paragraph (1)(A)(iii).*

16          (i) *DUTIES OF GOVERNING BOARD.—In order to im-*  
17          *prove the efficiency and effectiveness of the regional edu-*  
18          *cational laboratories, the governing boards of the regional*  
19          *educational laboratories shall establish and maintain a net-*  
20          *work to—*

21           (1) *share information about the activities each*  
22           *laboratory is carrying out;*  
23           (2) *plan joint activities that would meet the*  
24           *needs of multiple regions;*

1                   (3) create a strategic plan for the development of  
2       activities undertaken by the laboratories to reduce re-  
3       dundancy and increase collaboration and resource-  
4       sharing in such activities; and

5                   (4) otherwise devise means by which the work of  
6       the individual laboratories could serve national, as  
7       well as regional, needs.

8                   (j) EVALUATIONS.—The Evaluation and Regional As-  
9       sistance Commissioner shall provide for independent eval-  
10      uations of each of the regional educational laboratories in  
11      carrying out the duties described in this section in the third  
12      year that such laboratory receives assistance under this sec-  
13      tion in accordance with the standards developed by the  
14      Evaluation and Regional Assistance Commissioner and ap-  
15      proved by the Board and shall transmit the results of such  
16      evaluations to the relevant committees of Congress, the  
17      Board, and the appropriate regional educational laboratory  
18      governing board.

19                   (k) RULE OF CONSTRUCTION.—No regional edu-  
20      cational laboratory receiving assistance under this section  
21      shall, by reason of the receipt of that assistance, be ineligible  
22      to receive any other assistance from the Department of Edu-  
23      cation as authorized by law or be prohibited from engaging  
24      in activities involving international projects or endeavors.

1       (l) *ADVANCE PAYMENT SYSTEM.*—Each regional edu-  
2 cational laboratory awarded a contract under this section  
3 shall participate in the advance payment system at the De-  
4 partment of Education.

5       (m) *ADDITIONAL PROJECTS.*—In addition to activities  
6 authorized under this section, the Director is authorized to  
7 enter into contracts or agreements with a regional edu-  
8 cational laboratory for the purpose of carrying out addi-  
9 tional projects to enable such regional educational labora-  
10 tory to assist in efforts to achieve State education goals and  
11 for other purposes.

12       (n) *ANNUAL REPORT AND PLAN.*—Not later than July  
13 1 of each year, each regional educational laboratory award-  
14 ed a contract under this section shall submit to the Evalua-  
15 tion and Regional Assistance Commissioner—

16           (1) a plan covering the succeeding fiscal year, in  
17 which such laboratory's mission, activities, and scope  
18 of work are described, including a general description  
19 of the plans such laboratory expects to submit in the  
20 remaining years of such laboratory's contract; and

21           (2) a report of how well such laboratory is meet-  
22 ing the needs of the region, including a summary of  
23 activities during the preceding year, a list of entities  
24 served, a list of products, and any other information  
25 that the regional educational laboratory may consider

1       *relevant or the Evaluation and Regional Assistance*  
2       *Commissioner may require.*

3       (i) *CONSTRUCTION.*—*Nothing in this section shall be*  
4       *construed to require any modifications in a regional edu-*  
5       *cational laboratory contract in effect on the day before the*  
6       *date of enactment of this Act.*

7           **PART E—GENERAL PROVISIONS**

8           **SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.**

9       *The Secretary, in consultation with the Director, shall*  
10      *ensure that the Department and the Institute use common*  
11      *sources of data in standardized formats.*

12          **SEC. 182. PROHIBITIONS.**

13       (a) *NATIONAL DATABASE.*—*Nothing in this title may*  
14      *be construed to authorize the establishment of a nationwide*  
15      *database of individually identifiable information on indi-*  
16      *viduals involved in studies or other collections of data under*  
17      *this title.*

18       (b) *FEDERAL GOVERNMENT AND USE OF FEDERAL*  
19      *FUNDS.*—*Nothing in this title may be construed to author-*  
20      *ize an officer or employee of the Federal Government to*  
21      *mandate, direct, or control the curriculum, program of in-*  
22      *struction, or allocation of State or local resources of a State,*  
23      *local educational agency, or school, or to mandate a State,*  
24      *or any subdivision thereof, to spend any funds or incur any*  
25      *costs not provided for under this title.*

1       (c) *ENDORSEMENT OF CURRICULUM.*—Notwith-  
2 standing any other provision of Federal law, no funds pro-  
3 vided under this title to the Institute, including any office,  
4 board, committee, or center of the Institute, may be used  
5 by the Institute to endorse, approve, or sanction any cur-  
6 riculum designed to be used in an elementary school or sec-  
7 ondary school.

8       (d) *FEDERALLY SPONSORED TESTING.*—

9           (1) *IN GENERAL.*—Subject to paragraph (2), no  
10       funds provided under this title to the Secretary or to  
11       the recipient of any award may be used to develop,  
12       pilot test, field test, implement, administer, or dis-  
13       tribute any federally sponsored national test in read-  
14       ing, mathematics, or any other subject, unless specifi-  
15       cally and explicitly authorized by law.

16           (2) *EXCEPTIONS.*—Subsection (a) shall not  
17       apply to international comparative assessments devel-  
18       oped under the authority of section 153(a)(6) of this  
19       title or section 404(a)(6) of the National Education  
20       Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such  
21       section was in effect on the day before the date of en-  
22       actment of this Act) and administered to only a rep-  
23       resentative sample of pupils in the United States and  
24       in foreign nations.

1   **SEC. 183. CONFIDENTIALITY.**

2       (a) *IN GENERAL.*—All collection, maintenance, use,  
3 and wide dissemination of data by the Institute, including  
4 each office, board, committee, and center of the Institute,  
5 shall conform with the requirements of section 552a of title  
6 5, United States Code, the confidentiality standards of sub-  
7 section (c) of this section, and sections 444 and 445 of the  
8 General Education Provisions Act (20 U.S.C. 1232g,  
9 1232h).

10     (b) *STUDENT INFORMATION.*—The Director shall en-  
11 sure that all individually identifiable information about  
12 students, their academic achievements, their families, and  
13 information with respect to individual schools, shall remain  
14 confidential in accordance with section 552a of title 5,  
15 United States Code, the confidentiality standards of sub-  
16 section (c) of this section, and sections 444 and 445 of the  
17 General Education Provisions Act (20 U.S.C. 1232g,  
18 1232h).

19   **SEC. 184. AVAILABILITY OF DATA.**

20       Subject to section 183, data collected by the Institute,  
21 including any office, board, committee, or center of the In-  
22 stitute, in carrying out the priorities and mission of the  
23 Institute, shall be made available to the public, including  
24 through use of the Internet.

1   **SEC. 185. PERFORMANCE MANAGEMENT.**

2       *The Director shall ensure that all activities conducted  
3 or supported by the Institute or a National Education Cen-  
4 ter make customer service a priority. The Director shall en-  
5 sure a high level of customer satisfaction through the fol-  
6 lowing methods:*

7           *(1) Establishing and improving feedback mecha-  
8 nisms in order to anticipate customer needs.*

9           *(2) Disseminating information in a timely fash-  
10 ion and in formats that are easily accessible and usa-  
11 ble by researchers, practitioners, and the general pub-  
12 lic.*

13          *(3) Utilizing the most modern technology and  
14 other methods available, including arrangements to  
15 use data collected electronically by States and local  
16 educational agencies, to ensure the efficient collection  
17 and timely distribution of information, including  
18 data and reports.*

19          *(4) Establishing and measuring performance  
20 against a set of indicators for the quality of data col-  
21 lected, analyzed, and reported.*

22          *(5) Continuously improving management strate-  
23 gies and practices.*

24          *(6) Making information available to the public  
25 in an expeditious fashion.*

1   **SEC. 186. AUTHORITY TO PUBLISH.**

2       (a) *PUBLICATION.*—The Director may prepare and  
3   publish (including through oral presentation) such research,  
4   statistics (consistent with part C), and evaluation informa-  
5   tion and reports from any office, board, committee, and cen-  
6   ter of the Institute, as needed to carry out the priorities  
7   and mission of the Institute without the approval of the  
8   Secretary or any other office of the Department.

9       (b) *ADVANCE COPIES.*—The Director shall provide the  
10   Secretary and other relevant offices with an advance copy  
11   of any information to be published under this section before  
12   publication.

13       (c) *PEER REVIEW.*—All research, statistics, and eval-  
14   uation reports conducted by, or supported through, the In-  
15   stitute shall be subjected to rigorous peer review before being  
16   published or otherwise made available to the public.

17       (d) *ITEMS NOT COVERED.*—Nothing in subsections (a),  
18   (b), or (c) shall be construed to apply to—

19              (1) information on current or proposed budgets,  
20   appropriations, or legislation;  
21              (2) information prohibited from disclosure by  
22   law or the Constitution, classified national security  
23   information, or information described in section  
24   552(b) of title 5, United States Code; and

1                   (3) review by officers of the United States in  
2                   order to prevent the unauthorized disclosure of infor-  
3                   mation described in paragraph (1) or (2).

4 **SEC. 187. VACANCIES.**

5                   *Any member appointed to fill a vacancy on the Board*  
6                   *occurring before the expiration of the term for which the*  
7                   *member's predecessor was appointed shall be appointed only*  
8                   *for the remainder of that term. A vacancy in an office,*  
9                   *board, committee, or center of the Institute shall be filled*  
10                  *in the manner in which the original appointment was*  
11                  *made. This section does not apply to employees appointed*  
12                  *under section 188.*

13 **SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.**

14                  (a) *IN GENERAL.—The Director may appoint, for*  
15                  *terms not to exceed 6 years (without regard to the provisions*  
16                  *of title 5, United States Code, governing appointment in*  
17                  *the competitive service) and may compensate (without re-*  
18                  *gard to the provisions of chapter 51 and subchapter III of*  
19                  *chapter 53 of such title relating to classification and Gen-*  
20                  *eral Schedule pay rates) such scientific or technical employ-*  
21                  *ees to carry out the functions of the Institute or the office,*  
22                  *board, committee, or center, respectively, if—*

23                   (1) *at least 30 days prior to the appointment of*  
24                  *any such employee, public notice is given of the avail-*  
25                  *ability of such position and an opportunity is pro-*

1       *vided for qualified individuals to apply and compete*  
2       *for such position;*

3           *(2) the rate of basic pay for such employees does*  
4       *not exceed the maximum rate of basic pay payable for*  
5       *positions at GS-15, as determined in accordance with*  
6       *section 5376 of title 5, United States Code, except that*  
7       *not more than 7 individuals appointed under this sec-*  
8       *tion may be paid at a rate that does not exceed the*  
9       *rate of basic pay for level III of the Executive Sched-*  
10      *ule;*

11       *(3) the appointment of such employee is nec-*  
12      *essary (as determined by the Director on the basis of*  
13      *clear and convincing evidence) to provide the Insti-*  
14      *tute or the office, board, committee, or center with sci-*  
15      *entific or technical expertise which could not other-*  
16      *wise be obtained by the Institute or the office, board,*  
17      *committee, or center through the competitive service;*  
18      *and*

19       *(4) the total number of such employees does not*  
20      *exceed 40 individuals or  $\frac{1}{5}$  of the number of full-time,*  
21      *regular scientific or professional employees of the In-*  
22      *stitute, whichever is greater.*

23       *(b) DUTIES OF EMPLOYEES.—All employees described*  
24      *in subsection (a) shall work on activities of the Institute*  
25      *or the office, board, committee, or center, and shall not be*

- 1 reassigned to other duties outside the Institute or the office,
- 2 board, committee, or center during their term.

3 **SEC. 189. FELLOWSHIPS.**

4       *In order to strengthen the national capacity to carry*  
5 *out high-quality research, evaluation, and statistics related*  
6 *to education, the Director shall establish and maintain re-*  
7 *search, evaluation, and statistics fellowships in institutions*  
8 *of higher education (which may include the establishment*  
9 *of such fellowships in historically Black colleges and univer-*  
10 *sities and other institutions of higher education with large*  
11 *numbers of minority students) that support graduate and*  
12 *postdoctoral study onsite at the Institute or at the institu-*  
13 *tion of higher education. In establishing the fellowships, the*  
14 *Director shall ensure that women and minorities are ac-*  
15 *tively recruited for participation.*

16 **SEC. 190. VOLUNTARY SERVICE.**

17       *The Director may accept voluntary and uncompens-*  
18 *ated services to carry out and support activities that are*  
19 *consistent with the priorities and mission of the Institute.*

20 **SEC. 191. RULEMAKING.**

21       *Notwithstanding section 437(d) of the General Edu-*  
22 *cation Provisions Act (20 U.S.C. 1232(d)), the exemption*  
23 *for public property, loans, grants, and benefits in section*  
24 *553(a)(2) of title 5, United States Code, shall apply to the*  
25 *Institute.*

1   **SEC. 192. COPYRIGHT.**

2       *Nothing in this Act shall be construed to affect the  
3 rights, remedies, limitations, or defense under title 17,  
4 United States Code.*

5   **SEC. 193. REMOVAL.**

6       *(a) PRESIDENTIAL.—The Director, each member of the  
7 Board, and the Commissioner for Education Statistics may  
8 be removed by the President prior to the expiration of the  
9 term of each such appointee.*

10       *(b) DIRECTOR.—Each Commissioner appointed by the  
11 Director pursuant to section 117 may be removed by the  
12 Director prior to the expiration of the term of each such  
13 Commissioner.*

14   **SEC. 194. AUTHORIZATION OF APPROPRIATIONS.**

15       *(a) IN GENERAL.—There are authorized to be appro-  
16 priated to administer and carry out this title (except sec-  
17 tion 174) \$400,000,000 for fiscal year 2003 and such sums  
18 as may be necessary for each of the 5 succeeding fiscal years,  
19 of which—*

20           *(1) not less than the amount provided to the Na-  
21 tional Center for Education Statistics (as such Center  
22 was in existence on the day before the date of enact-  
23 ment of this Act) for fiscal year 2002 shall be pro-  
24 vided to the National Center for Education Statistics,  
25 as authorized under part C; and*

1                   (2) not more than the lesser of 2 percent of such  
2       funds or \$1,000,000 shall be made available to carry  
3       out section 116 (relating to the National Board for  
4       Education Sciences).

5                   (b) *REGIONAL EDUCATIONAL LABORATORIES.*—There  
6       are authorized to be appropriated to carry out section 174  
7       \$100,000,000 for fiscal year 2003 and such sums as may  
8       be necessary for each of the 5 succeeding fiscal years. Of  
9       the amounts appropriated under the preceding sentence for  
10      a fiscal year, the Director shall obligate not less than 25  
11      percent to carry out such purpose with respect to rural  
12      areas (including schools funded by the Bureau which are  
13      located in rural areas).

14                   (c) *AVAILABILITY.*—Amounts made available under  
15      this section shall remain available until expended.

16                   **TITLE II—EDUCATIONAL  
17                   TECHNICAL ASSISTANCE**

18      **SEC. 201. SHORT TITLE.**

19                   This title may be cited as the “Educational Technical  
20      Assistance Act of 2002”.

21      **SEC. 202. DEFINITIONS.**

22                   In this title:

23                   (1) *IN GENERAL.*—The terms “local educational  
24      agency” and “State educational agency” have the  
25      meanings given those terms in section 9101 of the El-

1       *ementary and Secondary Education Act of 1965 (20*  
2       *U.S.C. 7801).*

3           (2) *SECRETARY.*—*The term “Secretary” means*  
4       *the Secretary of Education.*

5 **SEC. 203. COMPREHENSIVE CENTERS.**

6       (a) *AUTHORIZATION.—*

7           (1) *IN GENERAL.*—*Subject to paragraph (2), begin-*  
8       *ning in fiscal year 2004, the Secretary is author-*  
9       *ized to award not less than 20 grants to local entities,*  
10      *or consortia of such entities, with demonstrated exper-*  
11      *tise in providing technical assistance and professional*  
12      *development in reading, mathematics, science, and*  
13      *technology, especially to low-performing schools and*  
14      *districts, to establish comprehensive centers.*

15       (2) *REGIONS.*—*In awarding grants under para-*  
16      *graph (1), the Secretary—*

17           (A) *shall ensure that not less than 1 com-*  
18      *prehensive center is established in each of the 10*  
19      *geographic regions served by the regional edu-*  
20      *cational laboratories established under section*  
21      *941(h) of the Educational Research, Develop-*  
22      *ment, Dissemination, and Improvement Act of*  
23      *1994 (as such provision existed on the day before*  
24      *the date of enactment of this Act); and*

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) in the population served by the local entity or consortium of such entities.

**12           (b) ELIGIBLE APPLICANTS.—**

1       *before the date of enactment of the No Child Left Be-*  
2       *hind Act of 2001 (Public Law 107–110)).*

3           (2) *OUTREACH.*—*In conducting competitions for*  
4       *grants under this section, the Secretary shall actively*  
5       *encourage potential applicants to compete for such*  
6       *awards by making widely available information and*  
7       *technical assistance relating to the competition.*

8           (3) *OBJECTIVES AND INDICATORS.*—*Before*  
9       *awarding a grant under this section, the Secretary*  
10      *shall design specific objectives and measurable indica-*  
11      *tors, using the results of the assessment conducted*  
12      *under section 206, to be used to assess the particular*  
13      *programs or initiatives, and ongoing progress and*  
14      *performance, of the regional entities, in order to en-*  
15      *sure that the educational needs of the region are being*  
16      *met and that the latest and best research and proven*  
17      *practices are being carried out as part of school im-*  
18      *provement efforts.*

19           (c) *APPLICATION.*—

20           (1) *SUBMISSION.*—*Each local entity, or consor-*  
21      *tium of such entities, seeking a grant under this sec-*  
22      *tion shall submit an application at such time, in such*  
23      *manner, and containing such additional information*  
24      *as the Secretary may reasonably require.*

1                   (2) *PLAN.*—*Each application submitted under*  
2                   *paragraph (1) shall contain a 5-year plan for car-*  
3                   *rying out the activities described in this section in a*  
4                   *manner that addresses the priorities established under*  
5                   *section 207 and addresses the needs of all States (and*  
6                   *to the extent practicable, of local educational agen-*  
7                   *cies) within the region to be served by the comprehen-*  
8                   *sive center, on an ongoing basis.*

9                   (d) *ALLOCATION.*—*Each comprehensive center estab-*  
10                  *lished under this section shall allocate such center's re-*  
11                  *sources to and within each State in a manner which reflects*  
12                  *the need for assistance, taking into account such factors as*  
13                  *the proportion of economically disadvantaged students, the*  
14                  *increased cost burden of service delivery in areas of sparse*  
15                  *populations, and any special initiatives being undertaken*  
16                  *by State, intermediate, local educational agencies, or Bu-*  
17                  *reau-funded schools, as appropriate, which may require spe-*  
18                  *cial assistance from the center.*

19                  (e) *SCOPE OF WORK.*—*Each comprehensive center es-*  
20                  *tablished under this section shall work with State edu-*  
21                  *cational agencies, local educational agencies, regional edu-*  
22                  *cational agencies, and schools in the region where such cen-*  
23                  *ter is located on school improvement activities that take*  
24                  *into account factors such as the proportion of economically*

1 disadvantaged students in the region, and give priority

2 to—

3 (1) schools in the region with high percentages or  
4 numbers of students from low-income families, as de-  
5 termined under section 1113(a)(5) of the Elementary  
6 and Secondary Education Act of 1965 (20 U.S.C.  
7 6313(a)(5)), including such schools in rural and  
8 urban areas, and schools receiving assistance under  
9 title I of that Act (20 U.S.C. 6301 et seq.);

10 (2) local educational agencies in the region in  
11 which high percentages or numbers of school-age chil-  
12 dren are from low-income families, as determined  
13 under section 1124(c)(1)(A) of the Elementary and  
14 Secondary Education Act of 1965 (20 U.S.C.  
15 6333(c)(1)(A)), including such local educational agen-  
16 cies in rural and urban areas; and

17 (3) schools in the region that have been identified  
18 for school improvement under section 1116(b) of the  
19 Elementary and Secondary Education Act of 1965  
20 (20 U.S.C. 6316(b)).

21 (f) ACTIVITIES.—

22 (1) IN GENERAL.—A comprehensive center estab-  
23 lished under this section shall support dissemination  
24 and technical assistance activities by—

1                   (A) providing training, professional development,  
2                   and technical assistance regarding, at a  
3                   minimum—

4                   (i) the administration and implementation  
5                   of programs under the Elementary  
6                   and Secondary Education Act of 1965 (20  
7                   U.S.C. 6301 et seq.);

8                   (ii) the use of scientifically valid teaching  
9                   methods and assessment tools for use by  
10                  teachers and administrators in, at a  
11                  minimum—

12                  (I) the core academic subjects of  
13                  mathematics, science, and reading or  
14                  language arts;

15                  (II) English language acquisition;  
16                  and

17                  (III) education technology; and  
18                  (iii) the facilitation of communication  
19                  between education experts, school officials,  
20                  teachers, parents, and librarians, as appropriate; and

22                  (B) disseminating and providing information,  
23                  reports, and publications that are usable  
24                  for improving academic achievement, closing  
25                  achievement gaps, and encouraging and sus-

1           *taining school improvement (as described in sec-*  
2           *tion 1116(b) of the Elementary and Secondary*  
3           *Education Act of 1965 (20 U.S.C. 6316(b))), to*  
4           *schools, educators, parents, and policymakers*  
5           *within the region in which the center is located;*  
6           *and*

7           *(C) developing teacher and school leader in-*  
8           *service and preservice training models that illus-*  
9           *trate best practices in the use of technology in*  
10          *different content areas.*

11          *(2) COORDINATION AND COLLABORATION.—Each*  
12          *comprehensive center established under this section*  
13          *shall coordinate its activities, collaborate, and regu-*  
14          *larly exchange information with the regional edu-*  
15          *cational laboratory in the region in which the center*  
16          *is located, the National Center for Education Evalua-*  
17          *tion and Regional Assistance, the Office of the Sec-*  
18          *retary, the State service agency, and other technical*  
19          *assistance providers in the region.*

20          *(g) COMPREHENSIVE CENTER ADVISORY BOARD.—*

21          *(1) ESTABLISHMENT.—Each comprehensive cen-*  
22          *ter established under this section shall have an advi-*  
23          *sory board that shall support the priorities of such*  
24          *center.*

1                   (2) *DUTIES.*—Each advisory board established  
2 under paragraph (1) shall advise the comprehensive  
3 center—

4                   (A) concerning the activities described in  
5 subsection (d);

6                   (B) on strategies for monitoring and ad-  
7 dressing the educational needs of the region, on  
8 an ongoing basis;

9                   (C) on maintaining a high standard of  
10 quality in the performance of the center's activi-  
11 ties; and

12                   (D) on carrying out the center's duties in a  
13 manner that promotes progress toward improv-  
14 ing student academic achievement.

15                   (3) *COMPOSITION.*—

16                   (A) *IN GENERAL.*—Each advisory board  
17 shall be composed of—

18                   (i) the chief State school officers, or  
19 such officers' designees or other State offi-  
20 cials, in each State served by the com-  
21 prehensive center who have primary respon-  
22 sibility under State law for elementary and  
23 secondary education in the State; and

24                   (ii) not more than 15 other members  
25 who are representative of the educational

1           *interests in the region served by the com-*  
2           *prehensive center and are selected jointly by*  
3           *the officials specified in clause (i) and the*  
4           *chief executive officer of each State served*  
5           *by the comprehensive center, including the*  
6           *following:*

7                   (I) *Representatives of local edu-*  
8                   *cational agencies and regional edu-*  
9                   *educational agencies, including represent-*  
10                  *atives of local educational agencies*  
11                  *serving urban and rural areas.*

12                  (II) *Representatives of institu-*  
13                  *tions of higher education.*

14                  (III) *Parents.*

15                  (IV) *Practicing educators, includ-*  
16                  *ing classroom teachers, principals, and*  
17                  *administrators.*

18                  (V) *Representatives of business.*

19                  (VI) *Policymakers, expert practi-*  
20                  *tioners, and researchers with knowledge*  
21                  *of, and experience using, the results of*  
22                  *research, evaluation, and statistics.*

23                  (B) *SPECIAL RULE.—In the case of a State*  
24                  *in which the chief executive officer has the pri-*  
25                  *mary responsibility under State law for elemen-*

1           *tary and secondary education in the State, the*  
2           *chief executive officer shall consult, to the extent*  
3           *permitted by State law, with the State edu-*  
4           *cational agency in selecting additional members*  
5           *of the board under subparagraph (A)(i).*

6        (h) *REPORT TO SECRETARY.—Each comprehensive*  
7        *center established under this section shall submit to the Sec-*  
8        *retary an annual report, at such time, in such manner, and*  
9        *containing such information as the Secretary may require,*  
10      *which shall include the following:*

11           (1) *A summary of the comprehensive center's ac-*  
12          *tivities during the preceding year*  
13           (2) *A listing of the States, local educational*  
14          *agencies, and schools the comprehensive center as-*  
15          *sisted during the preceding year.*

16 **SEC. 204. EVALUATIONS.**

17        *The Secretary shall provide for ongoing independent*  
18        *evaluations by the National Center for Education Evalua-*  
19        *tion and Regional Assistance of the comprehensive centers*  
20        *receiving assistance under this title, the results of which*  
21        *shall be transmitted to the appropriate congressional com-*  
22        *mittees and the Director of the Institute of Education*  
23        *Sciences. Such evaluations shall include an analysis of the*  
24        *services provided under this title, the extent to which each*  
25        *of the comprehensive centers meets the objectives of its re-*

1 prospective plan, and whether such services meet the edu-  
2 cational needs of State educational agencies, local edu-  
3 cational agencies, and schools in the region.

4 **SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.**

5       *The Secretary shall continue awards for the support  
6 of the Eisenhower Regional Mathematics and Science Edu-  
7 cation Consortia established under part M of the Edu-  
8 cational Research, Development, Dissemination, and Im-  
9 provement Act of 1994 (as such part existed on the day  
10 before the date of enactment of this Act), the Regional Tech-  
11 nology in Education Consortia under section 3141 of the  
12 Elementary and Secondary Education Act of 1965 (as such  
13 section existed on the day before the date of enactment of  
14 the No Child Left Behind Act of 2001 (Public Law 107–  
15 110)), and the Comprehensive Regional Assistance Centers  
16 established under part K of the Educational Research, De-  
17 velopment, Dissemination, and Improvement Act of 1994  
18 (as such part existed on the day before the date of enactment  
19 of this Act), in accordance with the terms of such awards,  
20 until the comprehensive centers authorized under section  
21 203 are established.*

22 **SEC. 206. REGIONAL ADVISORY COMMITTEES.**

23       *(a) ESTABLISHMENT.—Beginning in 2004, the Sec-  
24 retary shall establish a regional advisory committee for each*

1   region described in section 174(b) of the Education Sciences  
2   Reform Act of 2002.

3                 (b) *MEMBERSHIP.*—

4                 (1) *COMPOSITION.*—The membership of each re-  
5   gional advisory committee shall—  
6                 (A) not exceed 25 members;  
7                 (B) contain a balanced representation of  
8   States in the region; and  
9                 (C) include not more than one representa-  
10      tive of each State educational agency geographi-  
11      cally located in the region.

12                 (2) *ELIGIBILITY.*—The membership of each re-  
13   gional advisory committee may include the following:

14                 (A) Representatives of local educational  
15   agencies, including rural and urban local edu-  
16   cational agencies.

17                 (B) Representatives of institutions of higher  
18   education, including individuals representing  
19   university-based education research and univer-  
20   sity-based research on subjects other than edu-  
21   cation.

22                 (C) Parents.

23                 (D) Practicing educators, including class-  
24   room teachers, principals, administrators, school  
25   board members, and other local school officials.

1                   (E) *Representatives of business.*

2                   (F) *Researchers.*

3                   (3) *RECOMMENDATIONS.—In choosing individ-*  
4                   *uals for membership on a regional advisory com-*  
5                   *mittee, the Secretary shall consult with, and solicit*  
6                   *recommendations from, the chief executive officers of*  
7                   *States, chief State school officers, and education stake-*  
8                   *holders within the applicable region.*

9                   (4) *SPECIAL RULE.—*

10                  (A) *TOTAL NUMBER.—The total number of*  
11                  *members on each committee who are selected*  
12                  *under subparagraphs (A), (C), and (D) of para-*  
13                  *graph (2), collectively, shall exceed the total*  
14                  *number of members who are selected under para-*  
15                  *graph (1)(C) and subparagraphs (B), (E), and*  
16                  *(F) of paragraph (2), collectively.*

17                  (B) *DISSOLUTION.—Each regional advisory*  
18                  *committee shall be dissolved by the Secretary*  
19                  *after submission of such committee's report de-*  
20                  *scribed in subsection (c)(2) to the Secretary, but*  
21                  *each such committee may be reconvened at the*  
22                  *discretion of the Secretary.*

23                  (c) *DUTIES.—Each regional advisory committee shall*  
24                  *advise the Secretary on the following:*

1                   (1) *An educational needs assessment of its region*  
2                   *(using the results of the assessment conducted under*  
3                   *subsection (d)), in order to assist in making decisions*  
4                   *regarding the regional educational priorities.*

5                   (2) *Not later than 6 months after the committee*  
6                   *is first convened, a report based on the assessment*  
7                   *conducted under subsection (d).*

8                   (d) *REGIONAL ASSESSMENTS.—Each regional advi-*  
9                   *sory committee shall—*

10                  (1) *assess the educational needs within the region*  
11                  *to be served;*

12                  (2) *in conducting the assessment under para-*  
13                  *graph (1), seek input from chief executive officers of*  
14                  *States, chief State school officers, educators, and par-*  
15                  *ents (including through a process of open hearings to*  
16                  *solicit the views and needs of schools (including pub-*  
17                  *lic charter schools), teachers, administrators, members*  
18                  *of the regional educational laboratory governing*  
19                  *board, parents, local educational agencies, librarians,*  
20                  *businesses, State educational agencies, and other cus-*  
21                  *tomers (such as adult education programs) within the*  
22                  *region) regarding the need for the activities described*  
23                  *in section 174 of the Education Sciences Reform Act*  
24                  *of 2002 and section 203 of this title and how those*  
25                  *needs would be most effectively addressed; and*

1                   (3) submit the assessment to the Secretary and  
2                   to the Director of the Academy of Education Sciences,  
3                   at such time, in such manner, and containing such  
4                   information as the Secretary may require.

5   **SEC. 207. PRIORITIES.**

6                   The Secretary shall establish priorities for the regional  
7                   educational laboratories (established under section 174 of  
8                   the Education Sciences Reform Act of 2002) and com-  
9                   prehensive centers (established under section 203 of this  
10                  title) to address, taking onto account the regional assess-  
11                  ments conducted under section 206 and other relevant re-  
12                  gional surveys of educational needs, to the extent the Sec-  
13                  retary deems appropriate.

14   **SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITU-  
15                   DINAL DATA SYSTEMS.**

16                  (a) *GRANTS AUTHORIZED.*—The Secretary is author-  
17                  ized to award grants, on a competitive basis, to State edu-  
18                  cational agencies to enable such agencies to design, develop,  
19                  and implement statewide, longitudinal data systems to effi-  
20                  ciently and accurately manage, analyze, disaggregate, and  
21                  use individual student data, consistent with the Elementary  
22                  and Secondary Education Act of 1965 (20 U.S.C. 6301 et  
23                  seq.).

24                  (b) *APPLICATIONS.*—Each State educational agency  
25                  desiring a grant under this section shall submit an applica-

1      *tion to the Secretary at such time, in such manner, and*  
2      *accompanied by such information as the Secretary may*  
3      *reasonably require.*

4           (c) *AWARDING OF GRANTS.—In awarding grants*  
5      *under this section, the Secretary shall use a peer review*  
6      *process that—*

7               (1) *ensures technical quality (including validity*  
8      *and reliability), promotes linkages across States, and*  
9      *protects student privacy consistent with section 183;*

10               (2) *promotes the generation and accurate and*  
11      *timely use of data that is needed—*

12                   (A) *for States and local educational agen-*  
13      *cies to comply with the Elementary and Sec-*  
14      *ondary Education Act of 1965 (20 U.S.C. 6301*  
15      *et seq.) and other reporting requirements and*  
16      *close achievement gaps; and*

17                   (B) *to facilitate research to improve student*  
18      *academic achievement and close achievement*  
19      *gaps; and*

20               (3) *gives priority to applications that meet the*  
21      *voluntary standards and guidelines described in sec-*  
22      *tion 153(a)(5).*

23           (d) *SUPPLEMENT NOT SUPPLANT.—Funds made*  
24      *available under this section shall be used to supplement,*

1 and not supplant, other State or local funds used for devel-  
2 oping State data systems.

3 (e) REPORT.—Not later than 1 year after the date of  
4 enactment of the Educational Technical Assistance Act of  
5 2002, and again 3 years after such date of enactment, the  
6 Secretary, in consultation with the National Academies  
7 Committee on National Statistics, shall make publicly  
8 available a report on the implementation and effectiveness  
9 of Federal, State, and local efforts related to the goals of  
10 this section, including—

11 (1) identifying and analyzing State practices re-  
12 garding the development and use of statewide, longi-  
13 tudinal data systems;

14 (2) evaluating the ability of such systems to  
15 manage individual student data consistent with the  
16 Elementary and Secondary Education Act of 1965  
17 (20 U.S.C. 6301 et seq.), promote linkages across  
18 States, and protect student privacy consistent with  
19 section 183; and

20 (3) identifying best practices and areas for im-  
21 provement.

22 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out  
24 this title \$80,000,000 for fiscal year 2003 and such sums  
25 as may be necessary for each of the 5 succeeding fiscal years.

1   **TITLE III—NATIONAL ASSESS-**  
2   **MENT OF EDUCATIONAL**  
3   **PROGRESS**

4   **SEC. 301. SHORT TITLE.**

5         *This title may be referred to as the “National Assess-*  
6         *ment of Educational Progress Authorization Act”.*

7   **SEC. 302. DEFINITIONS.**

8         *In this title:*

9             (1) *The term “Director” means the Director of*  
10         *the Institute of Education Sciences.*

11             (2) *The term “State” means each of the 50*  
12         *States, the District of Columbia, and the Common-*  
13         *wealth of Puerto Rico.*

14   **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

15         (a) *IN GENERAL.—There are authorized to be*  
16         *appropriated—*

17             (1) *for fiscal year 2003—*

18                 (A) *\$4,600,000 to carry out section 302, as*  
19         *amended by section 401 of this Act (relating to*  
20         *the National Assessment Governing Board); and*

21                 (B) *\$107,500,000 to carry out section 303,*  
22         *as amended by section 401 of this Act (relating*  
23         *to the National Assessment of Educational*  
24         *Progress); and*

1                   (2) such sums as may be necessary for each of  
2                   the 5 succeeding fiscal years to carry out sections 302  
3                   and 303, as amended by section 401 of this Act.

4                   (b) AVAILABILITY.—Amounts made available under  
5                   this section shall remain available until expended.

6                   **TITLE IV—AMENDATORY**  
7                   **PROVISIONS**

8                   **SEC. 401. REDESIGNATIONS.**

9                   (a) CONFIDENTIALITY.—Section 408 of the National  
10                  Education Statistics Act of 1994 (20 U.S.C. 9007) is  
11                  amended—

12                  (1) by striking “center”, “Center”, and “Com-  
13                  missioner” each place any such term appears and in-  
14                  serting “Director”;

15                  (2) in subsection (a)(2)(A), by striking “statis-  
16                  tical purpose” and inserting “research, statistics, or  
17                  evaluation purpose under this title”;

18                  (3) by striking subsection (b)(1) and inserting  
19                  the following:

20                  “(1) IN GENERAL.—

21                  “(A) DISCLOSURE.—No Federal depart-  
22                  ment, bureau, agency, officer, or employee and  
23                  no recipient of a Federal grant, contract, or co-  
24                  operative agreement may, for any reason, require  
25                  the Director, any Commissioner of a National

1           *Education Center, or any other employee of the*  
2           *Institute to disclose individually identifiable in-*  
3           *formation that has been collected or retained*  
4           *under this title.*

5           “(B) *IMMUNITY.—Individually identifiable*  
6           *information collected or retained under this title*  
7           *shall be immune from legal process and shall*  
8           *not, without the consent of the individual con-*  
9           *cerned, be admitted as evidence or used for any*  
10          *purpose in any action, suit, or other judicial or*  
11          *administrative proceeding.*

12          “(C) *APPLICATION.—This paragraph does*  
13          *not apply to requests for individually identifi-*  
14          *able information submitted by or on behalf of the*  
15          *individual identified in the information.”;*

16          (4) *in paragraphs (2) and (6) of subsection (b),*  
17          *by striking “subsection (a)(2)” each place such term*  
18          *appears and inserting “subsection (c)(2)”;*

19          (5) *in paragraphs (3) and (7) of subsection (b),*  
20          *by striking “Center’s” each place such term appears*  
21          *and inserting “Director’s”; and*

22          (6) *by striking the section heading and transfer-*  
23          *ring all the subsections (including subsections (a)*  
24          *through (c)) and redesignating such subsections as*

1        *subsections (c) through (e), respectively, at the end of*  
2        *section 183 of this Act.*

3        *(b) CONFORMING AMENDMENT.—Sections 302 and 303*  
4        *of this Act are redesignated as sections 304 and 305, respec-*  
5        *tively.*

6        *(c) NATIONAL ASSESSMENT GOVERNING BOARD.—Sec-*  
7        *tion 412 of the National Education Statistics Act of 1994*  
8        *(20 U.S.C. 9011) is amended—*

9              *(1) in subsection (a)—*

10             *(A) by striking “referred to as the ‘Board’”*  
11             *and inserting “referred to as the ‘Assessment*  
12             *Board’”; and*

13             *(B) by inserting “(carried out under section*  
14             *303)” after “for the National Assessment”;*

15             *(2) by striking “Board” each place such term*  
16             *appears (other than in subsection (a)) and inserting*  
17             *“Assessment Board”;*

18             *(3) by striking “Commissioner” each place such*  
19             *term appears and inserting “Commissioner for Edu-*  
20             *cation Statistics”;*

21             *(4) in subsection (b)(2)—*

22             *(A) by striking “ASSISTANT SECRETARY*  
23             *FOR EDUCATIONAL RESEARCH” in the heading*  
24             *and inserting “DIRECTOR OF THE INSTITUTE OF*  
25             *EDUCATION SCIENCES”; and*

1                             (B) by striking “Assistant Secretary for  
2                             Educational Research and Improvement” and  
3                             inserting “Director of the Institute of Education  
4                             Sciences”;

5                             (5) in subsection (e)—

6                             (A) in paragraph (1)—

7                                 (i) in subparagraph (A), by striking  
8                             “section 411(b)” and inserting “section  
9                             303(b)”;

10                                 (ii) in subparagraph (B), by striking  
11                             “section 411(e)” and inserting “section  
12                             303(e)”;

13                                 (iii) in subparagraph (E), by striking  
14                             “, including the Advisory Council estab-  
15                             lished under section 407”;

16                                 (iv) in subparagraphs (F) and (I), by  
17                             striking “section 411” each place such term  
18                             appears and inserting “section 303”;

19                                 (v) in subparagraph (H), by striking  
20                             “and” after the semicolon;

21                                 (vi) in subparagraph (I), by striking  
22                             the period at the end and inserting “; and”;  
23                             and

24                                 (vii) by inserting at the end the fol-  
25                             lowing:

1               “(J) plan and execute the initial public re-  
2               lease of National Assessment of Educational  
3               Progress reports.

4               The National Assessment of Educational Progress  
5               data shall not be released prior to the release of the  
6               reports described in subparagraph (J).”;

7               (B) in paragraph (5), by striking “and the  
8               Advisory Council on Education Statistics”; and

9               (C) in paragraph (6), by striking “section  
10              411(e)” and inserting “section 303(e)”; and  
11              (6) by transferring and redesignating the section  
12              as section 302 (following section 301) of title III of  
13              this Act.

14              (d) NATIONAL ASSESSMENT OF EDUCATIONAL  
15              PROGRESS.—Section 411 of the National Education Statis-  
16              tics Act of 1994 (20 U.S.C. 9010) is amended—

17              (1) by striking “Commissioner” each place such  
18              term appears and inserting “Commissioner for Edu-  
19              cation Statistics”;

20              (2) by striking “National Assessment Governing  
21              Board” and “National Board” each place either such  
22              term appears and inserting “Assessment Board”;

23              (3) in subsection (a)—

24              (A) by striking “section 412” and inserting  
25              “section 302”; and

(B) by striking “and with the technical assistance of the Advisory Council established under section 407,”;

4 (4) in subsection (b)—

(A) in paragraph (1), by inserting “of” after “academic achievement and reporting”;

(i) in clause (i), by striking “paragraphs (1)(B) and (1)(E)” and inserting “paragraphs (2)(B) and (2)(E);

(iii) in clause (iii), by striking “paragraph (1)(D)” and inserting “paragraph (2)(D); and

(5) in subsection (c)(2)(D), by striking "subparagraph (B)" and inserting " subparagraph (C);

(6) in subsection (e)(4), by striking “subparagraph (2)(C)” and inserting “paragraph (2)(C) of such subsection”;

1                   (8) by transferring and redesignating the section  
 2                   as section 303 (following section 302) of title III of  
 3                   this Act.

4                   (e) **TABLE OF CONTENTS AMENDMENT.**—The items re-  
 5 lating to title III in the table of contents of this Act, as  
 6 amended by section 401 of this Act, are amended to read  
 7 as follows:

**“TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS**

“Sec. 301. Short title.  
 “Sec. 302. National Assessment Governing Board.  
 “Sec. 303. National Assessment of Educational Progress.  
 “Sec. 304. Definitions.  
 “Sec. 305. Authorization of appropriations.”.

**8 SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**

**9 ORGANIZATION ACT.**

10                  The Department of Education Organization Act (20  
 11 U.S.C. 3401 et seq.) is amended—  
 12                  (1) by striking section 202(b)(4) and inserting  
 13                  the following:  
 14                  “(4) There shall be in the Department a Director of  
 15                  the Institute of Education Sciences who shall be appointed  
 16                  in accordance with section 114(a) of the Education Sciences  
 17                  Reform Act of 2002 and perform the duties described in  
 18                  that Act.”;  
 19                  (2) by striking section 208 and inserting the fol-  
 20                  lowing:

1           “INSTITUTE OF EDUCATION SCIENCES

2        “SEC. 208. *There shall be in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act.*”; and

7           (3) *by striking the item relating to section 208 in the table of contents in section 1 and inserting the following:*

“Sec. 208. *Institute of Education Sciences.*”.

10 **SEC. 403. REPEALS.**

11        *The following provisions of law are repealed:*

12           (1) *The National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).*

14           (2) *Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).*

18           (3) *Section 401(b)(2) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).*

20 **SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.**

21           (a) *GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).*

1       (b) *TITLE 5, UNITED STATES CODE.*—Section 5315 of  
2 title 5, *United States Code*, is amended by striking the fol-  
3 lowing:

4       “Commissioner, National Center for Education Statis-  
5 tics.”.

6       (c) *GENERAL EDUCATION PROVISIONS ACT.*—Section  
7 447(b) of the *General Education Provisions Act* (20 U.S.C.  
8 1232j(b)) is amended by striking “section 404(a)(6) of the  
9 *National Education Statistics Act of 1994* (20 U.S.C.  
10 9003(a)(6))” and inserting “section 153(a)(6) of the Edu-  
11 cation Sciences Reform Act of 2002”.

12       (d) *ELEMENTARY AND SECONDARY EDUCATION ACT  
13 OF 1965.*—The *Elementary and Secondary Education Act  
14 of 1965* (20 U.S.C. 6301 et seq.) is amended as follows:

15           (1) Section 1111(c)(2) is amended by striking  
16       “section 411(b)(2) of the *National Education Statis-  
17 tics Act of 1994*” and inserting “section 303(b)(2) of  
18       the *National Assessment of Educational Progress Au-  
19 thorization Act*”.

20           (2) Section 1112(b)(1)(F) is amended by striking  
21       “section 411(b)(2) of the *National Education Statis-  
22 tics Act of 1994*” and inserting “section 303(b)(2) of  
23       the *National Assessment of Educational Progress Au-  
24 thorization Act*”.

25           (3) Section 1117(a)(3) is amended—

1                   (A) by inserting “(as such section existed on  
2                   the day before the date of enactment of the Edu-  
3                   cation Sciences Reform Act of 2002)” after “Act  
4                   of 1994”; and

5                   (B) by inserting “regional educational lab-  
6                   oratories established under part E of the Edu-  
7                   cation Sciences Reform Act of 2002 and com-  
8                   prehensive centers established under the Edu-  
9                   cational Technical Assistance Act of 2002 and”  
10                  after “assistance from”.

11                  (4) Section 1501(a)(3) is amended by striking  
12                  “section 411 of the National Education Statistics Act  
13                  of 1994” and inserting “section 303 of the National  
14                  Assessment of Educational Progress Authorization  
15                  Act”.

16                  (5) The following provisions are each amended  
17                  by striking “Office of Educational Research and Im-  
18                  provement” and inserting “Institute of Education  
19                  Sciences”:

20                  (A) Section 3222(a) (20 U.S.C. 6932(a)).

21                  (B) Section 3303(1) (20 U.S.C. 7013(1)).

22                  (C) Section 5464(e)(1) (20 U.S.C.  
23                  7253c(e)(1)).

24                  (D) Paragraphs (1) and (2) of section  
25                  5615(d) (20 U.S.C. 7283d(d)).

1                   (E) Paragraphs (1) and (2) of section  
2                   7131(c) (20 U.S.C. 7451(c)).

3                   (6) Paragraphs (1) and (2) of section 5464(e)  
4                   (20 U.S.C. 7253c(e)) are each amended by striking  
5                   “such Office” and inserting “such Institute”.

6                   (7) Section 5613 (20 U.S.C. 7283b) is  
7                   amended—

8                   (A) in subsection (a)(5), by striking “Assist-  
9                   ant Secretary of the Office of Educational Re-  
10                  search and Improvement” and inserting “Direc-  
11                  tor of the Institute of Education Sciences”; and

12                  (B) in subsection (b)(2)(B), by striking “re-  
13                  search institutes of the Office of Educational Re-  
14                  search and Improvement” and inserting “Na-  
15                  tional Education Centers of the Institute of Edu-  
16                  cation Sciences”.

17                  (8) Sections 5615(d)(1) and 7131(c)(1) (20  
18                  U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by  
19                  striking “by the Office” and inserting “by the Insti-  
20                  tute”.

21                  (9) Section 9529(b) is amended by striking “sec-  
22                  tion 404(a)(6) of the National Education Statistics  
23                  Act of 1994” and inserting “section 153(a)(5) of the  
24                  Education Sciences Reform Act of 2002”.

## **7 SEC. 405. ORDERLY TRANSITION.**

8        *The Secretary of Education shall take such steps as*  
9    *are necessary to provide for the orderly transition to, and*  
10   *implementation of, the offices, boards, committees, and cen-*  
11   *ters (and their various functions and responsibilities) estab-*  
12   *lished or authorized by this Act, and by the amendments*  
13   *made by this Act, from those established or authorized by*  
14   *the Educational Research, Development, Dissemination,*  
15   *and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and*  
16   *the National Education Statistics Act of 1994 (20 U.S.C.*  
17   *9001 et seq.).*

18 SEC. 406. IMPACT AID.

1                   *pupil expenditure that is less than the*  
2                   *average per-pupil expenditure of a*  
3                   *comparable local education agency or*  
4                   *three comparable local educational*  
5                   *agencies in the State in which the local*  
6                   *educational agency is located; and”.*

7         (b) *EFFECTIVE DATE.—The amendment made by sec-*  
8         *tion 406(a) shall be effective on September 30, 2001, and*  
9         *shall apply with respect to fiscal year 2001, and all subse-*  
10         *quent fiscal years.*

11         (c) *BONESTEEL-FAIRFAX SCHOOL DISTRICT.—The*  
12         *Secretary of Education shall deem the local educational*  
13         *agency serving the Bonesteel-Fairfax school district, 26-5,*  
14         *in Bonesteel, South Dakota, as eligible in fiscal year 2003*  
15         *for a basic support payment for heavily impacted local edu-*  
16         *cational agencies under section 8003(b)(2) of the Elemen-*  
17         *tary and Secondary Education Act of 1965 (20 U.S.C.*  
18         *7703(b)(2)).*

19         (d) *CENTRAL SCHOOL DISTRICT.—Notwithstanding*  
20         *any other provision of law, the Secretary of Education shall*  
21         *treat as timely filed an application filed by Central School*  
22         *District, Sequoyah County, Oklahoma, for payment for fed-*  
23         *erally connected students for fiscal year 2003, pursuant to*  
24         *section 8003 of the Elementary and Secondary Education*  
25         *Act of 1965 (20 U.S.C. 7703), and shall process such appli-*

1 cation for payment, if the Secretary has received such ap-  
2 plication not later than 30 days after the date of enactment  
3 of this Act.

Attest:

*Secretary.*

107TH CONGRESS  
2D SESSION

**H. R. 3801**

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**AMENDMENT**