

107TH CONGRESS
2D SESSION

H. R. 3801

IN THE SENATE OF THE UNITED STATES

MAY 9, 2002

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To provide for improvement of Federal education research,
statistics, evaluation, information, and dissemination,
and for other purposes.

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

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1 **TITLE I—EDUCATION SCIENCES** 2 **REFORM**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Education Sciences
 5 Reform Act of 2002”.

6 **PART A—ACADEMY OF EDUCATION** 7 **SCIENCES**

8 **SEC. 111. ESTABLISHMENT.**

9 (a) ESTABLISHMENT.—There shall be in the Depart-
 10 ment an Academy of Education Sciences, to be adminis-
 11 tered by a Director (as provided in section 115) and a
 12 board of directors (as provided in section 117).

1 (b) MISSION.—The mission of the Academy is to pro-
2 vide national leadership in expanding fundamental knowl-
3 edge and understanding of education, in order to provide
4 parents, educators, students, researchers, policymakers,
5 and the general public with reliable information about the
6 condition and progress of education in the United States,
7 educational practices that support learning and improve
8 academic achievement for all students, and the effective-
9 ness of Federal and other education programs. In carrying
10 out this mission, the Academy shall conduct research,
11 evaluation, statistics, and dissemination activities sup-
12 ported by Federal funds through the Academy and ensure
13 that such activities—

14 (1) conform to high standards of quality, integ-
15 rity, and accuracy; and

16 (2) are objective, secular, neutral, and nonideo-
17 logical and are free of partisan political influence
18 and racial, cultural, gender, or regional bias.

19 **SEC. 112. ORGANIZATION.**

20 The Academy consists of the following:

21 (1) The Office of the Director (as set out in
22 section 115).

23 (2) The National Board for Education Sciences
24 (as set out in section 117).

1 (3) The Office of Educational Resources and
2 Dissemination (as set out in section 119).

3 (4) The National Education Centers, which
4 include—

5 (A) the National Center for Education Re-
6 search (as set out in part B);

7 (B) the National Center for Education
8 Statistics (as set out in part C); and

9 (C) the National Center for Education
10 Evaluation (as set out in part D).

11 **SEC. 113. FUNCTIONS.**

12 The Academy, directly or through grants, contracts,
13 or cooperative agreements, shall—

14 (1) conduct and support scientifically valid re-
15 search activities, including basic and applied re-
16 search, statistics activities, scientifically valid edu-
17 cation evaluation, development, and dissemination;

18 (2) disseminate the findings and results of sci-
19 entifically valid research in education;

20 (3) promote the application of knowledge gained
21 from scientifically valid research activities;

22 (4) strengthen the national capacity to conduct
23 scientifically valid research in education; and

1 (5) promote the coordination of scientifically
2 valid research in education within the Department
3 and the Federal Government.

4 **SEC. 114. DELEGATION.**

5 (a) DELEGATION OF AUTHORITY.—Notwithstanding
6 section 412 of the Department of Education Organization
7 Act (20 U.S.C. 3472), the Secretary shall delegate to the
8 Director all functions for carrying out this title (other
9 than administrative and support functions), except that—

10 (1) nothing in this title or in the National As-
11 sessment of Educational Progress Authorization Act
12 may be construed to alter or diminish the role, re-
13 sponsibilities, or authority of the National Assess-
14 ment Governing Board with respect to the National
15 Assessment of Educational Progress from those au-
16 thorized by the National Education Statistics Act of
17 1994 immediately before the enactment of this Act;

18 (2) members of the National Assessment Gov-
19 erning Board shall continue to be appointed by the
20 Secretary;

21 (3) section 302(f)(1) of the National Assess-
22 ment of Educational Progress Authorization Act
23 shall apply to the National Assessment Governing
24 Board in the exercise of its responsibilities under
25 this Act;

1 (4) sections 116 and 117(b)(2) shall not apply
2 to the National Assessment of Educational Progress;
3 and

4 (5) sections 116 and 117 shall not apply to the
5 National Assessment Governing Board.

6 (b) OTHER ACTIVITIES.—The Secretary may assign
7 the Academy responsibility for administering other activi-
8 ties, if those activities are consistent with—

9 (1) the Academy’s priorities, as approved by the
10 National Board for Education Sciences under sec-
11 tion 116; or

12 (2) the Academy’s mission, if the activities are
13 not consistent with such priorities.

14 **SEC. 115. OFFICE OF THE DIRECTOR.**

15 (a) APPOINTMENT.—Except as provided in sub-
16 section (b)(2), the President, with the advice and consent
17 of the Senate, shall appoint the Director of the Academy.

18 (b) TERM.—

19 (1) IN GENERAL.—The Director shall serve for
20 a term of 6 years, beginning on the date of appoint-
21 ment of the Director, but may be removed by the
22 President prior to the expiration of that term.

23 (2) FIRST DIRECTOR.—The President, without
24 the advice and consent of the Senate, may appoint
25 the Assistant Secretary for the Office of Educational

1 Research and Improvement (as such office existed
2 on the day before the date of enactment of this Act)
3 to serve as the first Director of the Academy.

4 (3) SUBSEQUENT DIRECTORS.—The Board may
5 make recommendations to the President with respect
6 to the appointment of a Director, other than a Di-
7 rector appointed under paragraph (2).

8 (c) PAY.—The Director shall receive the rate of basic
9 pay for level III of the Executive Schedule.

10 (d) QUALIFICATIONS.—The Director shall be selected
11 from individuals who are highly qualified authorities in the
12 fields of scientifically valid research, statistics, or evalua-
13 tion in education, as well as management within such
14 areas, and have a demonstrated capacity for sustained
15 productivity and leadership in these areas.

16 (e) ADMINISTRATION.—The Director shall—

17 (1) administer, supervise, and coordinate the
18 activities carried out under the Academy, including
19 the activities of the National Education Centers; and

20 (2) coordinate and approve budgets and oper-
21 ating plans for each of the National Education Cen-
22 ters for submission to the Secretary.

23 (f) DUTIES.—The duties of the Director shall include
24 the following:

1 (1) To propose to the Board priorities for the
2 Academy, in accordance with section 116(a).

3 (2) To ensure the methodology applied in con-
4 ducting research, evaluation, and statistical analysis
5 is consistent with the standards for such activities
6 under this title.

7 (3) To coordinate education research and re-
8 lated activities carried out by the Academy with such
9 research and activities carried out by other agencies
10 within the Department and the Federal Government.

11 (4) To advise the Secretary on research, evalua-
12 tion, and statistics activities relevant to the activities
13 of the Department.

14 (5) To establish necessary procedures for tech-
15 nical and scientific peer review of the activities of
16 the Academy, consistent with section 117(b)(3).

17 (6) To ensure that all participants in research
18 conducted or supported by the Academy are afforded
19 their privacy rights and other relevant protections as
20 research subjects, in accordance with section 184 of
21 this title, section 552a of title 5, United States
22 Code, and sections 444 and 445 of the General Edu-
23 cation Provisions Act (20 U.S.C. 1232g, 1232h).

24 (7) To ensure that activities conducted or sup-
25 ported by the Academy are objective, secular, neu-

1 tral, and nonideological and are free of partisan po-
2 litical influence and racial, cultural, gender, or re-
3 gional bias.

4 (8) To undertake initiatives and programs to
5 increase the participation of researchers and institu-
6 tions that have been historically underutilized in
7 Federal education research activities in the activities
8 of the Academy, including historically Black colleges
9 and universities and other institutions of higher edu-
10 cation with large numbers of minority students.

11 (9) To coordinate with the Secretary to promote
12 and provide for the coordination of research and de-
13 velopment activities and technical assistance activi-
14 ties between the Academy and the regional gov-
15 erning boards and regional entities described in sec-
16 tion 202 of the Regional Assistance Act of 2002 to
17 ensure collaboration and resource sharing and re-
18 duce redundancy in such activities.

19 (10) To solicit and consider the recommenda-
20 tions of education stakeholders, in order to ensure
21 that there is broad and regular public and profes-
22 sional input from the educational field in the plan-
23 ning and carrying out of the Academy's activities.

1 (11) At the discretion of the Director and in
2 consultation with the National Academy of Sciences,
3 to conduct a study to determine—

4 (A) a standard by which States may accu-
5 rately measure the rate at which students drop
6 out of or graduate from secondary schools in
7 the United States (including on-time gradua-
8 tion); and

9 (B) the use of alcohol or illegal narcotics
10 as contributing factors to incidents of school vi-
11 olence committed by students during the reg-
12 ular school day and while participating in other
13 school-related activities.

14 (12) To carry out and support other activities
15 consistent with the priorities and mission of the
16 Academy.

17 (g) EXPERT GUIDANCE AND ASSISTANCE.—The Di-
18 rector may establish technical and scientific peer-review
19 groups and scientific program advisory committees that
20 the Director determines are necessary to carry out the re-
21 quirements of this title. The Director shall appoint such
22 personnel, except that officers and employees of the
23 United States shall comprise no more than one-fourth of
24 the members of any such group or committee and shall
25 not receive additional compensation for their service as

1 members of such a group or committee. The Director shall
2 ensure that reviewers are highly qualified and capable to
3 appraise education research and development projects.
4 The Federal Advisory Committee Act (5 U.S.C. App.)
5 shall not apply to a peer-review group or an advisory com-
6 mittee established under this subsection.

7 **SEC. 116. PRIORITIES.**

8 (a) PROPOSAL.—The Director shall propose to the
9 Board priorities for the Academy (taking into consider-
10 ation long-term research and development on core issues
11 conducted through the national research and development
12 centers (as defined in section 181)) identifying topics that
13 may require long-term research and topics that are fo-
14 cused on understanding and solving particular education
15 problems and issues, including those associated with the
16 goals and requirements established in the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C. 6301 et
18 seq.), such as—

19 (1) closing the achievement gap between high-
20 performing and low-performing children, especially
21 achievement gaps between minority and nonminority
22 children and between disadvantaged children and
23 their more advantaged peers; and

1 (2) ensuring that all children reach, at a min-
2 imum, proficiency on challenging State academic
3 achievement standards and assessments.

4 (b) APPROVAL.—The Board shall approve or dis-
5 approve the priorities for the Academy proposed by the
6 Director, including any necessary revision of those prior-
7 ities. The Board shall transmit any priorities so approved
8 to the appropriate congressional committees.

9 (c) CONSISTENCY.—The Board shall ensure that pri-
10 orities of the Academy and the National Education Cen-
11 ters are consistent with the mission of the Academy.

12 (d) PUBLIC AVAILABILITY AND COMMENT.—

13 (1) PRIORITIES.—Before submitting to the
14 Board proposed priorities for the Academy, the Di-
15 rector shall make such priorities available to the
16 public for comment (including by means of the
17 Internet and through publishing such priorities in
18 the Federal Register). The Director shall provide to
19 the Board a copy of each such comment submitted.

20 (2) PLAN.—Upon approval of such priorities,
21 the Director shall make the Academy’s plan for ad-
22 dressing such priorities available for public comment
23 in the same manner as under paragraph (1).

1 **SEC. 117. NATIONAL BOARD FOR EDUCATION SCIENCES.**

2 (a) ESTABLISHMENT.—The Academy shall have a
3 board of directors, which shall be known as the National
4 Board for Education Sciences.

5 (b) DUTIES.—The duties of the Board shall be the
6 following:

7 (1) To advise the Director on the policies of the
8 Academy.

9 (2) To consider and approve priorities under
10 section 116 to guide the work of the Academy.

11 (3) To review and approve procedures for sci-
12 entific peer review of the activities of the Academy.

13 (4) To advise the Director on the development
14 of activities to be supported by the Academy, includ-
15 ing the general areas of research to be carried out
16 by the National Center for Education Research.

17 (5) To present to the Director such rec-
18 ommendations as it may find appropriate for—

19 (A) the strengthening of education re-
20 search; and

21 (B) the funding of the Academy.

22 (6) To advise the Director on the funding of
23 applications for grants, contracts, and cooperative
24 agreements for research, after the completion of peer
25 review.

1 (7) To review and regularly evaluate the work
2 of the Academy, to ensure that scientifically valid re-
3 search, evaluation, and statistical analysis are con-
4 sistent with the standards for such activities under
5 this title.

6 (8) To advise the Director on ensuring that ac-
7 tivities conducted or supported by the Academy are
8 objective, secular, neutral, and nonideological and
9 are free of partisan political influence and racial,
10 cultural, gender, or regional bias.

11 (9) To solicit advice and information from those
12 in the educational field, particularly practitioners
13 and researchers, to recommend to the Director top-
14 ics that require long-term, sustained, systematic,
15 programmatic, and integrated research efforts, in-
16 cluding knowledge utilization and dissemination of
17 research, consistent with the priorities and mission
18 of the Academy.

19 (10) To advise the Director on opportunities for
20 the participation in, and the advancement of,
21 women, minorities, and persons with disabilities in
22 education research, statistics, and evaluation activi-
23 ties of the Academy.

1 (11) To recommend to the Director ways to en-
2 hance strategic partnerships and collaborative efforts
3 among other Federal and State research agencies.

4 (12) To recommend to the Director individuals
5 to serve as Commissioners of the National Edu-
6 cation Centers.

7 (c) COMPOSITION.—

8 (1) VOTING MEMBERS.—The Board shall have
9 15 voting members appointed by the President, with
10 the advice and consent of the Senate.

11 (2) ADVICE.—The President shall solicit advice
12 on individuals to serve on the Board from the Na-
13 tional Academy of Sciences, the National Science
14 Foundation, and the Office of Science and Tech-
15 nology Policy.

16 (3) NONVOTING EX OFFICIO MEMBERS.—The
17 Board shall have the following nonvoting ex officio
18 members:

19 (A) The Director of the Academy of Edu-
20 cation Sciences.

21 (B) Each of the Commissioners of the Na-
22 tional Education Centers.

23 (C) The Director of the National Institute
24 of Child Health and Human Development.

25 (D) The Director of the Census.

1 (E) The Commissioner of Labor Statistics.

2 (F) The Director of the National Science
3 Foundation.

4 (4) APPOINTED MEMBERSHIP.—

5 (A) QUALIFICATIONS.—Members ap-
6 pointed under paragraph (1) shall be highly
7 qualified to appraise education research, statis-
8 tics, evaluations, or development, and shall in-
9 clude individuals from each of the following
10 groups:

11 (i) Educators, including classroom
12 teachers, principals, and other school ad-
13 ministrators.

14 (ii) Parents.

15 (iii) Business leaders.

16 (iv) Experts and scientists in re-
17 search, statistics, evaluation, or develop-
18 ment, who are recognized in their dis-
19 cipline as highly qualified to represent such
20 discipline.

21 (B) SPECIAL RULE.—A majority of the
22 voting members of the Board must be ap-
23 pointed from the groups described in clauses (i)
24 and (iv) of subparagraph (A).

1 (C) TERMS.—Each member appointed
2 under paragraph (1) shall serve for a term of
3 4 years, except that—

4 (i) each such member may be removed
5 by the President before the expiration of
6 that term;

7 (ii) the terms of the initial members
8 appointed under such paragraph shall (as
9 determined by a random selection process
10 at the time of appointment) be for stag-
11 gered terms of—

12 (I) 4 years for each of five mem-
13 bers;

14 (II) 3 years for each of five mem-
15 bers; and

16 (III) 2 years for each of five
17 members; and

18 (iii) no member appointed under such
19 paragraph shall serve for more than two
20 consecutive terms.

21 (D) UNEXPIRED TERMS.—Any member
22 appointed to fill a vacancy occurring before the
23 expiration of the term for which the member's
24 predecessor was appointed shall be appointed
25 only for the remainder of that term.

1 (5) CHAIR.—The Board shall elect a chair-
2 person from among the members of the Board.

3 (6) COMPENSATION.—Members of the Board
4 shall serve without pay for such service. Members of
5 the Board who are officers or employees of the
6 United States may not receive additional pay, allow-
7 ances, or benefits by reason of their service on the
8 Board.

9 (7) TRAVEL EXPENSES.—The members of the
10 Board shall receive travel expenses, including per
11 diem in lieu of subsistence, in accordance with sub-
12 chapter I of chapter 57 of title 5, United States
13 Code.

14 (8) POWERS OF THE BOARD.—

15 (A) EXECUTIVE DIRECTOR.—The Board
16 shall have an Executive Director who shall be
17 appointed by the Board.

18 (B) ADDITIONAL STAFF.—The Board shall
19 utilize such additional staff as may be ap-
20 pointed or assigned by the Director, in con-
21 sultation with the Chair.

22 (C) DETAIL OF PERSONNEL.—The Board
23 may use the services and facilities of any de-
24 partment or agency of the Federal Government.
25 Upon the request of the Board, the head of any

1 Federal department or agency may detail any
2 of the personnel of that department or agency
3 to the Board to assist the Board in carrying out
4 this Act.

5 (D) CONTRACTS.—The Board may enter
6 into contracts or make other arrangements as
7 may be necessary to carry out its functions.

8 (E) INFORMATION.—The Board may, to
9 the extent otherwise permitted by law, obtain
10 directly from any executive department or agen-
11 cy of the Federal Government such information
12 as the Board deems necessary to carry out its
13 functions.

14 (9) MEETINGS.—The Board shall meet not less
15 than four times each year. The Board shall hold ad-
16 ditional meetings at the call of the chairperson or
17 upon the written request of at least six voting mem-
18 bers of the Board.

19 (10) QUORUM.—A majority of the voting mem-
20 bers of the Board shall constitute a quorum.

21 (d) STANDING COMMITTEES.—

22 (1) ESTABLISHMENT.—The Board may estab-
23 lish standing committees—

24 (A) to each serve one of the National Edu-
25 cation Centers; and

1 (B) to advise, consult with, and make rec-
2 ommendations to the Director and the Commis-
3 sioner of the appropriate National Education
4 Centers.

5 (2) MEMBERSHIP.—A majority of the members
6 of each standing committee shall be voting members
7 of the Board whose expertise is needed for the func-
8 tioning of the committee. In addition, the member-
9 ship of each standing committee may include, as
10 appropriate—

11 (A) experts and scientists in research, sta-
12 tistics, evaluation, or development who are rec-
13 ognized in their discipline as highly qualified to
14 represent such discipline and who are not mem-
15 bers of the Board, but who may have been rec-
16 ommended by the Commissioner of the appro-
17 priate National Education Center and approved
18 by the Board;

19 (B) ex officio members of the Board; and

20 (C) policymakers and expert practitioners
21 with knowledge of, and experience using, the re-
22 sults of research, evaluation, and statistics who
23 are not members of the Board, but who may
24 have been recommended by the Commissioner

1 of the appropriate National Education Center
2 and approved by the Board.

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

4 (A) at the discretion of the Board or the
5 standing committee, review and comment on
6 any grant, contract, or cooperative agreement
7 entered into (or proposed to be entered into) by
8 the applicable National Education Center;

9 (B) prepare for, and submit to, the Board
10 an annual evaluation of the operations of the
11 applicable National Education Center;

12 (C) review and comment on the relevant
13 plan for activities to be undertaken by the ap-
14 plicable National Education Center for each fis-
15 cal year; and

16 (D) periodically report to the Board re-
17 garding the activities of the committee and the
18 applicable National Education Center.

19 (e) ANNUAL REPORT.—The Board shall submit to
20 the Director, the Secretary, and the appropriate congres-
21 sional committees, not later than July 1 of each year, a
22 report that assesses the effectiveness of the Academy in
23 carrying out its priorities and mission, especially as such
24 priorities and mission relate to carrying out scientifically

1 valid research, conducting unbiased evaluations, and col-
2 lecting and reporting accurate education statistics.

3 (f) RECOMMENDATIONS.—The Board shall submit to
4 the Director, the Secretary, and the appropriate congres-
5 sional committees a report that includes any recommenda-
6 tions regarding any actions that could be taken to enhance
7 the ability of the Academy to carry out its priorities and
8 mission. The Board shall submit an interim report not
9 later than 3 years after the date of enactment of this Act
10 and a final report not later than 5 years after such date
11 of enactment.

12 **SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION**
13 **CENTERS.**

14 (a) APPOINTMENT.—The National Education Cen-
15 ters shall each be headed by a Commissioner appointed
16 by the Director. In appointing Commissioners, the Direc-
17 tor shall seek to promote continuity in leadership of the
18 National Education Centers and shall consider individuals
19 recommended by the Board. The Director may appoint a
20 Commissioner to carry out the functions of a National
21 Education Center without regard to the provisions of title
22 5, United States Code, governing appointments in the
23 competitive service, and the provisions of chapter 51 and
24 subchapter III of chapter 53 of such title relating to classi-
25 fication and General Schedule pay rates.

1 (b) PAY.—The Commissioners shall each receive the
2 rate of basic pay for level IV of the Executive Schedule.

3 (c) QUALIFICATIONS.—Each Commissioner shall be
4 highly qualified in the field of education research, statis-
5 tics, or evaluation.

6 (d) SERVICE AND REMOVAL.—Each Commissioner
7 shall report to the Director and may be removed by the
8 Director. A Commissioner shall serve for a period of no
9 more than 6 years, unless reappointed by the Director,
10 except that a Commissioner may serve for an additional
11 period, not to exceed 1 year, until a successor has been
12 appointed by the Director.

13 **SEC. 119. OFFICE OF EDUCATIONAL RESOURCES AND DIS-**
14 **SEMINATION.**

15 (a) ESTABLISHMENT.—There is established within
16 the Academy an Office of Educational Resources and Dis-
17 semination.

18 (b) DUTIES.—The Office of Educational Resources
19 and Dissemination shall—

20 (1) disseminate information on scientifically
21 valid research, statistics, and evaluation on edu-
22 cation to the public, the media, voluntary organiza-
23 tions, and other constituencies, especially with re-
24 spect to information relating to, at a minimum—

1 (A) the core academic areas of reading,
2 mathematics, and science;

3 (B) closing the achievement gap between
4 high-performing students and low-performing
5 students;

6 (C) educational practices that improve aca-
7 demic achievement and promote learning; and

8 (D) education technology, including soft-
9 ware;

10 (2) manage the National Library of Education
11 described in subsection (e), and other sources of dig-
12 ital information on education research; and

13 (3) make such information accessible in a user-
14 friendly, timely, and efficient manner (including
15 through use of a searchable Internet web-based on-
16 line database) to schools, educators, parents, admin-
17 istrators, policymakers, researchers, public and pri-
18 vate entities, entities responsible for carrying out
19 technical assistance through the Department, and
20 the general public.

21 (c) ADDITIONAL DUTIES.—In carrying out sub-
22 section (b), the Office of Educational Resources and Dis-
23 semination shall—

24 (1) ensure that information disseminated under
25 this section is provided in a cost-effective, non-

1 duplicative manner, including the most current re-
2 search findings, which may include through the con-
3 tinuation of individual clearinghouses authorized
4 under the Educational Research, Development, Dis-
5 semination, and Improvement Act of 1994 (title IX
6 of the Goals 2000: Educate America Act; 20 U.S.C.
7 6001 et seq.) (as such Act existed on the day before
8 the date of enactment of this Act) or the clearing-
9 house authorized under section 2102(b) of the Ele-
10 mentary and Secondary Education Act of 1965 (as
11 such section existed on the day before the date of
12 enactment of the No Child Left Behind Act of 2001
13 (Public Law 107–110));

14 (2) prominently describe the type of scientific
15 evidence that is used to support the findings that
16 are disseminated;

17 (3) clearly explain the scientifically appropriate
18 and inappropriate uses of—

19 (A) the findings that are disseminated; and

20 (B) the types of evidence used to support
21 those findings; and

22 (4) respond, as appropriate, to inquiries from
23 schools, educators, parents, administrators, policy-
24 makers, researchers, public and private entities, and

1 entities responsible for carrying out technical assist-
2 ance.

3 (d) CONTINUATION.—The Director shall continue the
4 existing awards of the Educational Resources Information
5 Center Clearinghouses (established under section 941(f)
6 of the Educational Research, Development, Dissemina-
7 tion, and Improvement Act of 1994 (as such provision ex-
8 isted on the day before the date of enactment of this Act))
9 for the duration of those existing awards, in accordance
10 with the terms and agreements of such awards.

11 (e) NATIONAL LIBRARY OF EDUCATION.—There is
12 established within the Office of Educational Resources
13 and Dissemination a National Library of Education that
14 shall be headed by an individual who is highly qualified
15 in library science and shall collect and archive information,
16 including products and publications developed through, or
17 supported by, the Academy, and other relevant and useful
18 education-related research, statistics, and evaluation and
19 other information, projects, and publications that are con-
20 sistent with scientifically valid research or the priorities
21 and mission of the Academy and are developed by the De-
22 partment, other Federal agencies, or entities (including
23 entities supported under the Regional Educational Tech-
24 nical Assistance Act).

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

3 **SEC. 131. ESTABLISHMENT.**

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

7 (b) **MISSION.**—The mission of the Research Center
8 is—

9 (1) to sponsor sustained research that will lead
10 to the accumulation of knowledge and understanding
11 of education, particularly to improve student aca-
12 demic achievement and close the achievement gap
13 between high-performing and low-performing stu-
14 dents, including through the improvement of teach-
15 ing and learning of reading, writing, mathematics,
16 science, and other academic subjects;

17 (2) to support the synthesis and, as appro-
18 priate, the integration of education research;

19 (3) to promote quality and integrity through
20 the use of accepted practices of scientific inquiry to
21 obtain knowledge and understanding of the validity
22 of education theories, practices, or conditions; and

23 (4) to promote scientifically valid research find-
24 ings that can provide the basis for improving aca-
25 demic instruction and lifelong learning.

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

2 The Research Center shall be headed by a Commis-
3 sioner for Education Research (in this part referred to as
4 the “Research Commissioner”) who shall have substantial
5 knowledge of the activities of the Research Center, includ-
6 ing a high level of expertise in the fields of research and
7 research management.

8 **SEC. 133. DUTIES.**

9 (a) GENERAL DUTIES.—The Research Center shall—

10 (1) maintain published peer-review standards
11 and standards for the conduct and evaluation of all
12 research and development carried out under the aus-
13 pices of the Research Center in accordance with this
14 part;

15 (2) propose to the Director a research plan
16 that—

17 (A) is consistent with the priorities and
18 mission of the Academy and the mission of the
19 Research Center and includes the activities de-
20 scribed in paragraph (3); and

21 (B) shall be carried out pursuant to para-
22 graph (4) and, as appropriate, be updated and
23 modified;

24 (3) carry out specific, long-term research activi-
25 ties that are consistent with the priorities and mis-

1 sion of the Academy, and are approved by the Direc-
2 tor;

3 (4) implement the plan proposed under para-
4 graph (2) to carry out scientifically valid research
5 that—

6 (A) uses objective and measurable indica-
7 tors, including timelines, that are used to assess
8 the progress and results of such research;

9 (B) meets the procedures for peer review
10 established by the Director under section
11 115(f)(5) and the standards of research de-
12 scribed in section 135; and

13 (C) includes both basic research and ap-
14 plied research, which shall include research con-
15 ducted through field-initiated studies and may
16 include ongoing research initiatives;

17 (5) promote the use of scientifically valid re-
18 search within the Federal Government, including ac-
19 tive participation in interagency research initiatives;

20 (6) ensure that research conducted by the Re-
21 search Center is relevant to education practice and
22 policy;

23 (7) synthesize and disseminate, through the Of-
24 fice of Educational Resources and Dissemination,

1 the findings and results of education research con-
2 ducted or supported by the Research Center;

3 (8) prepare and submit to the Director for ap-
4 proval a biennial report, as described in section 134,
5 which shall be made available to the public through
6 such means as the Internet; and

7 (9) carry out research on successful State and
8 local education reform activities that result in in-
9 creased academic achievement and narrowing of
10 achievement gaps, as approved by the Director.

11 (b) ELIGIBILITY.—Research carried out under sub-
12 section (a) through contracts, grants, or cooperative
13 agreements shall be carried out only by recipients with the
14 ability and capacity to conduct scientifically valid research.

15 (c) NATIONAL RESEARCH AND DEVELOPMENT CEN-
16 TERS.—

17 (1) SUPPORT.—In carrying out activities under
18 subsection (a)(3), the Director, acting through the
19 Research Commissioner, shall support national re-
20 search and development centers.

21 (2) SCOPE.—Support for a national research
22 and development center shall be for a period of not
23 more than 5 years, shall be of sufficient size and
24 scope to be effective, and notwithstanding section
25 135(b), may be renewed without competition for not

1 more than 5 additional years if the Director, in con-
2 sultation with the Research Commissioner and the
3 Board, determines that the research of the national
4 research and development center—

5 (A) continues to address priorities of the
6 Academy; and

7 (B) merits renewal (applying the proce-
8 dures and standards established in section
9 135).

10 (3) LIMIT.—No national research and develop-
11 ment center may be supported under this subsection
12 for a period of more than 10 years without competi-
13 tion.

14 (4) CONTINUATION OF AWARDS.—The Director,
15 acting through the Research Commissioner, shall
16 continue awards made to the national research and
17 development centers in effect on the day before the
18 date of enactment of this Act in accordance with the
19 terms of those awards and may renew them in ac-
20 cordance with paragraphs (2) and (3).

21 **SEC. 134. BIENNIAL REPORT.**

22 The Director shall, on a biennial basis, transmit to
23 the President, the Board, and the appropriate congres-
24 sional committees and make widely available to the public

1 (including by means of the Internet), a report containing
2 the following:

3 (1) A description of the activities carried out by
4 and through the Research Center during the prior
5 fiscal year.

6 (2) A detailed summary of each grant, contract,
7 and cooperative agreement in excess of \$100,000
8 funded during the prior fiscal year, including, at a
9 minimum, the amount, duration, recipient, purpose,
10 and goal of the award and its relationship to the pri-
11 orities and mission of the Academy, and the reports
12 and publications produced, which shall be available
13 in a user-friendly electronic database.

14 (3) A description of how the activities of the
15 Research Center are consistent with the principles of
16 scientifically valid research and the priorities and
17 mission of the Academy.

18 (4) Such additional comments, recommenda-
19 tions, and materials as the Director considers appro-
20 priate.

21 **SEC. 135. STANDARDS FOR CONDUCT AND EVALUATION OF**
22 **RESEARCH.**

23 (a) IN GENERAL.—In carrying out this part, the Di-
24 rector, acting through the Research Commissioner, shall—

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

4 (2) develop such other standards as may be
5 necessary to govern the conduct and evaluation of all
6 research, development, and dissemination activities
7 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) RESEARCH AWARDS.—

21 (1) IN GENERAL.—Research carried out under
22 this part through grants, contracts, or cooperative
23 agreements, at a minimum, shall—

24 (A) be awarded through a process of open
25 competition; and

1 (B) be subject to a system of peer review
2 of highly qualified individuals with an in-depth
3 knowledge of the subject to be investigated—

4 (i) for reviewing and evaluating all ap-
5 plications for grants and cooperative agree-
6 ments and bids for contracts that exceed
7 \$100,000; and

8 (ii) for evaluating and assessing the
9 performance of all recipients of grants, co-
10 operative agreements, and contracts.

11 (2) EVALUATION.—The Director, acting
12 through the Research Commissioner, shall—

13 (A) develop the procedures to be used in
14 evaluating applications for research grants, co-
15 operative agreements, and contracts and specify
16 the criteria and factors which shall be consid-
17 ered in making such evaluations; and

18 (B) evaluate the performance of each re-
19 cipient of an award of a research grant, con-
20 tract, or cooperative agreement at the conclu-
21 sion of the award.

22 (c) LONG-TERM RESEARCH.—The Director, acting
23 through the Research Commissioner, shall assure that not
24 less than 50 percent of the funds made available for re-
25 search for each fiscal year shall be used to fund long-term

1 research programs of not less than 5 years, which support
2 the priorities and mission of the Academy and the mission
3 of the Research Center.

4 **PART C—NATIONAL CENTER FOR**
5 **EDUCATION STATISTICS**

6 **SEC. 151. ESTABLISHMENT.**

7 (a) ESTABLISHMENT.—There is established in the
8 Academy a National Center for Education Statistics (in
9 this part referred to as the “Statistics Center”).

10 (b) MISSION.—The mission of the Statistics Center
11 shall be—

12 (1) to collect and analyze education information
13 and statistics in a manner that meets the highest
14 methodological standards;

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

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

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

23 (B) is relevant and useful to practitioners,
24 researchers, policymakers, and the public.

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

2 The Statistics Center shall be headed by a Commis-
3 sioner for Education Statistics (in this part referred to
4 as the “Statistics Commissioner”) who shall have substan-
5 tial knowledge of statistical methodologies and activities
6 undertaken by the Statistics Center.

7 **SEC. 153. DUTIES.**

8 (a) GENERAL DUTIES.—The Statistics Center shall
9 collect, report, analyze, and disseminate statistical data re-
10 lated to education in the United States and in other na-
11 tions, including—

12 (1) collecting, acquiring, compiling (where ap-
13 propriate, on a State-by-State basis), and dissemi-
14 nating full and complete statistics on the condition
15 and progress of education, at the preschool, elemen-
16 tary, secondary, postsecondary, and adult levels in
17 the United States, including data on—

18 (A) student achievement in, at a minimum,
19 the core academic areas of reading, mathe-
20 matics, and science at all levels of education;

21 (B) secondary school completions, drop-
22 outs, and adult literacy and reading skills;

23 (C) educational access to, and opportunity
24 for, postsecondary education, including data on
25 financial aid to postsecondary students;

26 (D) teaching, including—

1 (i) data on in-service professional de-
2 velopment, including a comparison of
3 courses taken in the core academic areas
4 of reading, mathematics, and science with
5 courses in noncore academic areas; and

6 (ii) the percentage of teachers who are
7 highly qualified (as such term is defined in
8 section 9101 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 7801)) in each State and, where feasible,
11 in each local educational agency and
12 school;

13 (E) instruction, the conditions of the edu-
14 cation workplace, and the supply of, and de-
15 mand for, teachers;

16 (F) the incidence, frequency, seriousness,
17 and nature of violence affecting students, school
18 personnel, and other individuals participating in
19 school activities, as well as other indices of
20 school safety, including information regarding—

21 (i) the relationship between victims
22 and perpetrators;

23 (ii) demographic characteristics of the
24 victims and perpetrators; and

1 (iii) the type of weapons used in inci-
2 dents, as classified in the Uniform Crime
3 Reports of the Federal Bureau of Inves-
4 tigation;

5 (G) the financing and management of edu-
6 cation, including data on revenues and expendi-
7 tures;

8 (H) the social and economic status of chil-
9 dren, including their academic achievement;

10 (I) the existence and use of educational
11 technology and access to the Internet in ele-
12 mentary schools and secondary schools;

13 (J) educational access to, and opportunity
14 for, early childhood education; and

15 (K) the availability of, and access to, be-
16 fore-school and after-school programs (including
17 such programs during school recesses);

18 (2) conducting and publishing reports on the
19 meaning and significance of the statistics described
20 in paragraph (1);

21 (3) collecting, analyzing, cross-tabulating, and
22 reporting, to the extent feasible, information by gen-
23 der, race, ethnicity, socioeconomic status, limited
24 English proficiency, mobility, and disability, when

1 such disaggregated information would facilitate edu-
2 cational and policy decisionmaking;

3 (4) assisting public and private educational
4 agencies, organizations, and institutions in improv-
5 ing and automating statistical and data collection
6 activities, which may include assisting State edu-
7 cational agencies and local educational agencies with
8 the disaggregation of data;

9 (5) acquiring and disseminating data on edu-
10 cational activities and student achievement (such as
11 the Third International Math and Science Study) in
12 the United States compared with foreign nations;
13 and

14 (6) conducting longitudinal and special data
15 collections necessary to report on the condition and
16 progress of education.

17 (b) TRAINING PROGRAM.—The Director, acting
18 through the Statistics Commissioner, may establish a pro-
19 gram to train employees of public and private educational
20 agencies, organizations, and institutions in the use of
21 standard statistical procedures and concepts and may es-
22 tablish a fellowship program to appoint such employees
23 as temporary fellows at the Statistics Center in order to
24 assist the Statistics Center in carrying out its duties.

1 **SEC. 154. PERFORMANCE OF DUTIES.**

2 (a) GRANTS, CONTRACTS, AND COOPERATIVE
3 AGREEMENTS.—In carrying out the duties under this
4 part, the Director, acting through the Statistics Commis-
5 sioner, may award grants, enter into contracts and cooper-
6 ative agreements, and provide technical assistance.

7 (b) GATHERING INFORMATION.—

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

11 (2) SOURCE OF INFORMATION.—The Statistics
12 Commissioner may, as appropriate, use information
13 collected—

14 (A) from States, local educational agencies,
15 public and private schools, preschools, institu-
16 tions of postsecondary education, vocational and
17 adult education programs, libraries, administra-
18 tors, teachers, students, the general public, and
19 other individuals, organizations, agencies, and
20 institutions (including information collected by
21 States and local educational agencies for their
22 own use); and

23 (B) by other offices within the Academy
24 and by other Federal departments, agencies,
25 and instrumentalities.

1 (3) COLLECTION.—The Director, acting
2 through the Statistics Commissioner, may—

3 (A) enter into interagency agreements for
4 the collection of statistics;

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

7 (C) assign employees of the Statistics Cen-
8 ter to any such agency, organization, or institu-
9 tion to assist in such collection.

10 (4) TECHNICAL ASSISTANCE AND COORDINA-
11 TION.—In order to maximize the effectiveness of De-
12 partment efforts to serve the educational needs of
13 children and youth, the Statistics Commissioner
14 shall—

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

18 (B) coordinate with other Department of-
19 fices in the collection of data.

20 **SEC. 155. REPORTS.**

21 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The
22 Director, acting through the Statistics Commissioner,
23 shall establish procedures, in accordance with section 187,
24 to ensure that the reports issued under this section are
25 relevant, of high quality, useful to customers, subject to

1 rigorous peer review, produced in a timely fashion, and
2 free from any partisan political influence.

3 (b) REPORT ON CONDITION AND PROGRESS OF EDU-
4 CATION.—Not later than June 1, 2002, and each suc-
5 ceeding June 1 thereafter, the Director, acting through
6 the Statistics Commissioner, shall submit to the President
7 and the appropriate congressional committees a statistical
8 report on the condition and progress of education in the
9 United States.

10 (c) STATISTICAL REPORTS.—The Director, acting
11 through the Statistics Commissioner, shall issue regular
12 and, as necessary, special statistical reports on education
13 topics, particularly in the core academic areas of reading,
14 mathematics, and science, consistent with the priorities
15 and mission of the Academy and the mission of the Statis-
16 tics Center.

17 **SEC. 156. DISSEMINATION.**

18 (a) GENERAL REQUESTS.—

19 (1) IN GENERAL.—The Statistics Center may
20 furnish transcripts or copies of tables and other sta-
21 tistical records and make special statistical compila-
22 tions and surveys for State and local officials, public
23 and private organizations, and individuals.

24 (2) COMPILATIONS.—The Statistics Center
25 shall provide State and local educational agencies

1 opportunities to suggest the development of par-
2 ticular compilations of statistics, surveys, and anal-
3 yses that would assist those educational agencies.

4 (b) CONGRESSIONAL REQUESTS.—The Statistics
5 Center shall furnish such special statistical compilations
6 and surveys as the relevant congressional committees may
7 request.

8 (c) JOINT STATISTICAL PROJECTS.—The Statistics
9 Center may engage in joint statistical projects related to
10 the mission of the Center, or other statistical purposes au-
11 thorized by law, with nonprofit organizations or agencies,
12 and the cost of such projects shall be shared equitably.

13 (d) FEES.—

14 (1) IN GENERAL.—Statistical compilations and
15 surveys under this section, other than those carried
16 out pursuant to subsections (b) and (c), may be
17 made subject to the payment of the actual or esti-
18 mated cost of such work.

19 (2) FUNDS RECEIVED.—All funds received in
20 payment for work or services described in this sub-
21 section may be used to pay directly the costs of such
22 work or services, to repay appropriations that ini-
23 tially bore all or part of such costs, or to refund ex-
24 cess sums when necessary.

25 (e) ACCESS.—

1 (1) OTHER AGENCIES.—The Statistics Center
2 shall, consistent with section 184, cooperate with
3 other Federal agencies having a need for educational
4 data in providing access to educational data received
5 by the Statistics Center.

6 (2) INTERESTED PARTIES.—The Statistics Cen-
7 ter shall, in accordance with such terms and condi-
8 tions as the Center may prescribe, provide all inter-
9 ested parties, including public and private agencies,
10 parents, and other individuals, direct access, in the
11 most appropriate form (including, where possible,
12 electronically), to data collected by the Statistics
13 Center for the purposes of research and acquiring
14 statistical information.

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

16 The Statistics Center may establish one or more na-
17 tional cooperative education statistics systems for the pur-
18 pose of producing and maintaining, with the cooperation
19 of the States, comparable and uniform information and
20 data on early childhood education, elementary and sec-
21 ondary education, postsecondary education, adult edu-
22 cation, and libraries, that are useful for policymaking at
23 the Federal, State, and local levels.

1 **SEC. 158. STATE DEFINED.**

2 In this part, the term “State” means each of the 50
3 States, the District of Columbia, and the Commonwealth
4 of Puerto Rico.

5 **PART D—NATIONAL CENTER FOR**
6 **EDUCATION EVALUATION**

7 **SEC. 171. ESTABLISHMENT.**

8 (a) ESTABLISHMENT.—There is established in the
9 Academy a National Center for Education Evaluation (in
10 this part referred to as the “Evaluation Center”).

11 (b) MISSION.—The mission of the Evaluation Center
12 shall be to conduct evaluations of Federal education pro-
13 grams administered by the Secretary (and as time and re-
14 sources allow, other education programs) to determine the
15 impact of such programs (especially on student academic
16 achievement in the core academic areas of reading, mathe-
17 matics, and science), to support synthesis and dissemina-
18 tion of results of evaluation research, and to encourage
19 the use of scientifically valid education evaluation through-
20 out the United States.

21 **SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION.**

22 (a) IN GENERAL.—The Evaluation Center shall be
23 headed by a Commissioner for Education Evaluation (in
24 this part referred to as the “Evaluation Commissioner”)
25 who—

1 (1) shall possess a demonstrated capacity for
2 sustained productivity and leadership in education
3 evaluation, and be technically competent in con-
4 ducting scientifically valid education evaluations; and

5 (2) shall oversee all evaluation activities of the
6 Evaluation Center, the development of evaluation
7 methodology, the reporting of findings of evaluations
8 to the public and appropriate congressional commit-
9 tees, and other duties essential to carrying out the
10 mission of the Evaluation Center.

11 (b) GRANTS, CONTRACTS, AND COOPERATIVE
12 AGREEMENTS.—In carrying out the duties under this
13 part, the Director, acting through the Evaluation Commis-
14 sioner, may award grants, enter into contracts and cooper-
15 ative agreements, and provide technical assistance.

16 **SEC. 173. DUTIES.**

17 (a) GENERAL DUTIES.—

18 (1) IN GENERAL.—The Evaluation Center
19 shall—

20 (A) conduct or support evaluations con-
21 sistent with the Evaluation Center’s mission as
22 described in section 171(b);

23 (B) evaluate programs under title I of the
24 Elementary and Secondary Education Act of
25 1965 (20 U.S.C. 6301 et seq.);

1 (C) coordinate the activities of the Evalua-
2 tion Center with other evaluation activities in
3 the Department; and

4 (D) review and, where feasible, supplement
5 Federal education program evaluations, particu-
6 larly those by the Department, to determine or
7 enhance the quality and relevance of the evi-
8 dence generated by those evaluations.

9 (2) ADDITIONAL REQUIREMENTS.—Each eval-
10 uation conducted by the Evaluation Center pursuant
11 to paragraph (1) shall adhere to the highest possible
12 standards of quality for conducting scientifically
13 valid education evaluation.

14 (3) REPORT.—The Director, acting through the
15 Evaluation Commissioner, shall submit to the Presi-
16 dent and the appropriate congressional committees a
17 report on the Evaluation Center's evaluation activi-
18 ties on a biennial basis.

19 (b) ADMINISTRATION OF EVALUATIONS UNDER
20 TITLE I OF THE ELEMENTARY AND SECONDARY EDU-
21 CATION ACT OF 1965.—The Director, acting through the
22 Evaluation Commissioner, consistent with the mission of
23 the Evaluation Center under section 171(b), shall admin-
24 ister all operations and contracts associated with evalua-
25 tions authorized by part E of title I of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C. 6491
2 et seq.) and administered by the Department as of the
3 date of enactment of this Act.

4 **PART E—GENERAL PROVISIONS**

5 **SEC. 181. DEFINITIONS.**

6 In this title:

7 (1) The terms “elementary school”, “secondary
8 school”, “local educational agency”, and “State edu-
9 cational agency” have the meanings given those
10 terms in section 9101 of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C. 7801)
12 and the terms “freely associated states” and “out-
13 lying area” have the meanings given those terms in
14 section 1121(c) of such Act (20 U.S.C. 6331(c)).

15 (2) The term “Academy” means the Academy
16 of Education Sciences established under section 111.

17 (3) The term “applied research” means
18 research—

19 (A) to gain knowledge or understanding
20 necessary for determining the means by which
21 a recognized and specific need may be met; and

22 (B) that is specifically directed to the ad-
23 vancement of practice in the field of education.

24 (4) The term “basic research” means
25 research—

1 (A) to gain fundamental knowledge or un-
2 derstanding of phenomena and observable facts,
3 without specific application toward processes or
4 products; and

5 (B) for the advancement of knowledge in
6 the field of education.

7 (5) The term “Board” means the National
8 Board for Education Sciences established under sec-
9 tion 117.

10 (6) The term “Department” means the Depart-
11 ment of Education.

12 (7) The term “development” means the system-
13 atic use of knowledge or understanding gained from
14 the findings of scientifically valid research that may
15 prove useful in areas (such as the preparation of
16 materials and new methods of instruction and prac-
17 tices in teaching), that may lead to the improvement
18 of the academic skills of students, and that are
19 replicable in different educational settings.

20 (8) The term “Director” means the Director of
21 the Academy of Education Sciences.

22 (9) The term “dissemination” means the com-
23 munication and transfer of the results of scientif-
24 ically valid research, statistics, and evaluations, in
25 forms that are understandable, easily accessible, and

1 usable, or adaptable for use in, the improvement of
2 educational practice by teachers, administrators, li-
3 brarians, other practitioners, researchers, policy-
4 makers, and the public, through the provision of
5 technical assistance, electronic transfer, and other
6 means.

7 (10) The term “field-initiated research” means
8 basic research or applied research in which specific
9 questions and methods of study are generated by in-
10 vestigators (including teachers and other practi-
11 tioners) and that conforms to standards of scientif-
12 ically valid research.

13 (11) The term “institution of higher education”
14 has the meaning given that term in section 101(a)
15 of the Higher Education Act of 1965 (20 U.S.C.
16 1001(a)).

17 (12) The term “national research and develop-
18 ment center” means a research and development
19 center under section 931(c)(1)(B) of the Education
20 Research, Development, Dissemination, and Im-
21 provement Act of 1994 (20 U.S.C. 6031(c)(1)(B))
22 (as such provision existed on the day before the date
23 of enactment of this Act).

24 (13)(A) The term “scientifically based research
25 standards” means research standards that—

1 (i) apply rigorous, systematic, and objec-
2 tive methodology to obtain reliable and valid
3 knowledge relevant to education activities and
4 programs; and

5 (ii) present findings and make claims that
6 are appropriate to and supported by the meth-
7 ods that have been employed.

8 (B) The term includes, appropriate to the re-
9 search being conducted—

10 (i) employing systematic, empirical meth-
11 ods that draw on observation or experiment;

12 (ii) involving data analyses that are ade-
13 quate to support the general findings;

14 (iii) relying on measurements or observa-
15 tional methods that provide reliable data;

16 (iv) making claims of causal relationships
17 only in random assignment experiments or
18 other designs (to the extent such designs sub-
19 stantially eliminate plausible competing expla-
20 nations for the obtained results);

21 (v) ensuring that studies and methods are
22 presented in sufficient detail and clarity to
23 allow for replication or, at a minimum, to offer
24 the opportunity to build systematically on the
25 findings of the research;

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

5 (vii) using research designs and methods
6 appropriate to the research question posed.

7 (14) The term “scientifically valid education
8 evaluation” means an evaluation that—

9 (A) adheres to the highest possible stand-
10 ards of quality with respect to research design
11 and statistical analysis;

12 (B) provides an adequate description of the
13 programs evaluated and, to the extent possible,
14 examines the relationship between program im-
15 plementation and program impacts;

16 (C) provides an analysis of the results
17 achieved by the program with respect to its pro-
18 jected effects;

19 (D) employs experimental designs using
20 random assignment, when feasible, and other
21 research methodologies that allow for the
22 strongest possible causal inferences when ran-
23 dom assignment is not feasible; and

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

4 (15) The term “scientifically valid research” in-
5 cludes applied research, basic research, and field-ini-
6 tiated research in which the rationale, design, and
7 interpretation are soundly developed in accordance
8 with scientifically based research standards.

9 (16) The term “Secretary” means the Secretary
10 of Education.

11 (17) The term “State” includes (except as pro-
12 vided in section 158 and in the National Assessment
13 of Educational Progress Authorization Act) each of
14 the 50 States, the District of Columbia, the Com-
15 monwealth of Puerto Rico, the freely associated
16 states, and the outlying areas.

17 (18) The term “technical assistance” means—

18 (A) assistance in identifying, selecting, or
19 designing solutions (including professional de-
20 velopment and training to implement such solu-
21 tions) leading to—

22 (i) improved educational practices and
23 classroom instruction based on scientif-
24 ically valid research; and

1 (ii) improved planning, design, and
2 administration of programs;

3 (B) assistance in interpreting, analyzing,
4 and utilizing statistics and evaluations; and

5 (C) other assistance necessary to encour-
6 age the adoption or application of scientifically
7 valid research.

8 **SEC. 182. INTERAGENCY DATA SOURCES AND FORMATS.**

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

12 **SEC. 183. PROHIBITIONS.**

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

18 (b) FEDERAL GOVERNMENT AND USE OF FEDERAL
19 FUNDS.—Nothing in this title may be construed to au-
20 thorize an officer or employee of the Federal Government
21 to mandate, direct, or control the curriculum, program of
22 instruction, or allocation of State or local resources of a
23 State, local educational agency, or school, or to mandate
24 a State, or any subdivision thereof, to spend any funds
25 or incur any 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 Academy, including any office,
4 board, committee, or center of the Academy, may be used
5 by the Academy to endorse, approve, or sanction any cur-
6 riculum designed to be used in an elementary school or
7 secondary 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
11 to the recipient of any award may be used to de-
12 velop, pilot test, field test, implement, administer, or
13 distribute any federally sponsored national test in
14 reading, mathematics, or any other subject, unless
15 specifically and explicitly authorized by law.

16 (2) EXCEPTIONS.—Subsection (a) shall not
17 apply to international comparative assessments de-
18 veloped under the authority of section 153(a)(5) of
19 this title or section 404(a)(6) of the National Edu-
20 cation Statistics Act of 1994 (20 U.S.C. 9003(a)(6))
21 (as such section existed on the day before the date
22 of enactment of this Act) and administered to only
23 a representative sample of pupils in the United
24 States and in foreign nations.

1 **SEC. 184. CONFIDENTIALITY.**

2 (a) IN GENERAL.—All collection, maintenance, use,
3 and dissemination of data by the Academy, including each
4 office, board, committee, and center of the Academy, shall
5 conform with the requirements of section 552a of title 5,
6 United States Code, the confidentiality standards of sub-
7 section (c) of this section, and sections 444 and 445 of
8 the 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, and their families,
13 and information with respect to individual schools, re-
14 mains confidential in accordance with section 552a of title
15 5, United States Code, subsection (c) of this section, and
16 sections 444 and 445 of the General Education Provisions
17 Act (20 U.S.C. 1232g, 1232h).

18 **SEC. 185. AVAILABILITY OF DATA.**

19 Subject to section 184, data collected by the Acad-
20 emy, including any office, board, committee, or center of
21 the Academy, in carrying out the priorities and mission
22 of the Academy, shall be made available to the public, in-
23 cluding through use of the Internet.

24 **SEC. 186. PERFORMANCE MANAGEMENT.**

25 The Director shall ensure that all activities conducted
26 or supported by the Academy or a National Education

1 Center make customer service a priority. The Director
2 shall ensure a high level of customer satisfaction through
3 the following methods:

4 (1) Establishing and improving feedback mech-
5 anisms in order to anticipate customer needs.

6 (2) Disseminating information in a timely fash-
7 ion and in formats that are easily accessible and us-
8 able by researchers, practitioners, and the general
9 public.

10 (3) Utilizing the most modern technology and
11 other methods available, including arrangements to
12 use data collected electronically by States and local
13 educational agencies, to ensure the efficient collec-
14 tion and timely distribution of information, including
15 data and reports.

16 (4) Establishing and measuring performance
17 against a set of indicators for the quality of data
18 collected, analyzed, and reported.

19 (5) Continuously improving management strate-
20 gies and practices.

21 (6) Making information available to the public
22 in an expeditious fashion.

23 **SEC. 187. AUTHORITY TO PUBLISH.**

24 (a) PUBLICATION.—The Director may prepare and
25 publish (including through oral presentation) such re-

1 search, statistics, and evaluation information and reports
2 from any office, board, committee, and center of the Acad-
3 emy as needed to carry out the priorities and mission of
4 the Academy.

5 (b) PEER REVIEW.—All research, statistics, and eval-
6 uation reports conducted by, or supported through, the
7 Academy shall be subjected to rigorous peer review before
8 being published or otherwise made available to the public.

9 (c) ADVANCE COPIES.—The Director shall provide
10 the Secretary an advance copy of any information to be
11 published under this section at least 30 days before publi-
12 cation.

13 (d) ITEMS NOT COVERED.—Nothing in subsection
14 (a) or (b) shall be construed to apply to—

15 (1) information on current or proposed budgets,
16 appropriations, or legislation;

17 (2) information prohibited from disclosure by
18 law or the Constitution, classified national security
19 information, or information described in section
20 552(b) of title 5, United States Code; and

21 (3) review by officers of the United States in
22 order to prevent the unauthorized disclosure of in-
23 formation described in paragraph (1) or (2).

1 **SEC. 188. VACANCIES.**

2 Any member appointed to fill a vacancy on the Board
3 occurring before the expiration of the term for which the
4 member's predecessor was appointed shall be appointed
5 only for the remainder of that term. A vacancy in an of-
6 fice, board, committee, or center of the Academy shall be
7 filled in the manner in which the original appointment was
8 made. This section does not apply to employees appointed
9 under section 189.

10 **SEC. 189. SCIENTIFIC OR TECHNICAL EMPLOYEES.**

11 (a) APPOINTMENT AND PAY.—The Director may ap-
12 point for limited periods of time and fix the pay of certain
13 scientific or technical employees to carry out the functions
14 of the Academy or the office, board, committee, or center,
15 respectively, without regard to the provisions of title 5,
16 United States Code, governing appointments in the com-
17 petitive service, and the provisions of chapter 51 and sub-
18 chapter III of chapter 53 of such title relating to classi-
19 fication and General Schedule pay rates, provided that—

20 (1) at least 30 days before the appointment of
21 any employee under this subsection, the Director
22 shall give public notice of the availability of such po-
23 sition and shall provide an opportunity for qualified
24 individuals to apply and compete for the position;
25 and

1 (2) the Director may not appoint an employee
2 under this subsection unless the employee is nec-
3 essary to provide the Academy with scientific or
4 technical expertise that could not otherwise be ob-
5 tained by the Academy through the competitive serv-
6 ice and such necessity can be justified in a clear and
7 convincing fashion.

8 (b) MAXIMUM NUMBER.—Employees appointed
9 under this section and employed at the Academy at any
10 particular time shall not exceed the greater of 20 percent
11 of the total employees of the Academy or a total of 60
12 individuals.

13 (c) MAXIMUM PAY RATE.—An employee appointed
14 under this section may not be paid at a rate that exceeds
15 the rate of basic pay for level V of the Executive Schedule,
16 except that not more than 10 individuals appointed under
17 this section may be paid at a rate that does not exceed
18 the rate of basic pay for level IV of the Executive Sched-
19 ule.

20 (d) DURATION.—An employee appointed under this
21 section may not serve longer than 6 years.

22 **SEC. 190. VOLUNTARY SERVICE.**

23 The Secretary, acting through the Director, may ac-
24 cept voluntary and uncompensated services to carry out

1 and support activities that are consistent with the prior-
2 ities and mission of the Academy.

3 **SEC. 191. 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 the Acad-
8 emy and institutions of higher education (which may in-
9 clude the establishment of such fellowships in historically
10 Black colleges and universities and other institutions of
11 higher education with large numbers of minority students)
12 that support graduate and postdoctoral study, particularly
13 for women and minorities, with such stipends and allow-
14 ances (including travel and subsistence expenses) as the
15 Director may determine necessary to obtain the assistance
16 of highly qualified research, evaluation, and statistics fel-
17 lows.

18 **SEC. 192. RULEMAKING.**

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

1 **SEC. 193. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to administer and carry out this title
4 \$400,000,000 for fiscal year 2003 and such sums as may
5 be necessary for each of the 5 succeeding fiscal years, of
6 which—

7 (1) no less than the amount provided to the
8 National Center for Education Statistics (as such
9 Center was in existence on the day before the date
10 of enactment of this Act) for fiscal year 2002 shall
11 be provided to the National Center for Education
12 Statistics, as authorized under part C; and

13 (2) the lesser of 2 percent of such funds or
14 \$1,000,000 shall be made available to carry out sec-
15 tion 117 (relating to the National Board for Edu-
16 cation Sciences).

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

19 **TITLE II—REGIONAL EDU-**
20 **CATIONAL APPLIED RE-**
21 **SEARCH AND TECHNICAL AS-**
22 **SISTANCE**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Regional Assistance
25 Act of 2002”.

1 **SEC. 202. REGIONAL EDUCATIONAL APPLIED RESEARCH**
2 **AND TECHNICAL ASSISTANCE ENTITIES.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—The Secretary shall support,
5 through competitive contracts, a system of regional
6 educational applied research and technical assistance
7 entities (in this title referred to as “regional enti-
8 ties”) to provide applied research, dissemination,
9 training, technical assistance, and development ac-
10 tivities related to the administration and implemen-
11 tation of Federal education programs and other re-
12 gional education needs to States, local educational
13 agencies, schools, Indian tribes, community-based or-
14 ganizations, and other appropriate entities.

15 (2) REGIONS.—In establishing geographical re-
16 gions to be served by the regional entities, the Sec-
17 retary shall serve the same geographical regions as
18 served by the regional educational laboratories estab-
19 lished under section 941(h) of the Educational Re-
20 search, Development, Dissemination, and Improve-
21 ment Act of 1994 (as such provision existed on the
22 day before the date of enactment of this Act).

23 (3) ALLOCATION.—From the funds appro-
24 priated under section 205, the Secretary shall allo-
25 cate for each region for each fiscal year an amount
26 of funds that is comparable in proportion to the

1 amount of funds awarded to serve the needs of that
2 region under prior regional assistance programs
3 under section 3141 and parts A and C of title XIII
4 of the Elementary and Secondary Education Act of
5 1965 (as such provisions existed on the day before
6 the date of enactment of the No Child Left Behind
7 Act of 2001 (Public Law 107–110)) and section
8 941(h) of the Educational Research, Development,
9 Dissemination, and Improvement Act of 1994 (as
10 such Act existed on the day before the date of enact-
11 ment of this Act).

12 (b) ACTIVITIES OF THE REGIONAL ENTITIES.—

13 (1) REGIONAL SUPPORT ACTIVITIES.—The sys-
14 tem of regional entities, established under subsection
15 (a)(1), shall support applied research, development,
16 dissemination, and technical assistance activities
17 by—

18 (A) providing training and technical assist-
19 ance regarding, at a minimum—

20 (i) the administration and implemen-
21 tation of programs under the Elementary
22 and Secondary Education Act of 1965 (20
23 U.S.C. 6301 et seq.);

24 (ii) scientifically valid research in edu-
25 cation on teaching methods and assess-

1 ment tools for use by teachers and admin-
2 istrators in, at a minimum—

3 (I) the core academic areas of
4 mathematics, science, and reading;
5 and

6 (II) education technology; and

7 (iii) the facilitation of communication
8 between education experts, school officials,
9 teachers, parents, and librarians, as appro-
10 priate;

11 (B) disseminating and providing scientif-
12 ically valid research, information, reports, and
13 publications that are usable for improving aca-
14 demic achievement, narrowing achievement
15 gaps, and encouraging and sustaining school
16 improvement, to—

17 (i) schools, educators, parents, and
18 policymakers within the applicable region
19 in which the entity is located; and

20 (ii) the Office of Educational Re-
21 sources and Dissemination;

22 (C) carrying out applied research projects
23 that are designed to serve the particular edu-
24 cational needs of the region, that reflect find-
25 ings from scientifically valid research, and that

1 result in user-friendly, replicable classroom ap-
2 plications geared toward promoting increased
3 student achievement; and

4 (D) supporting development activities and
5 contributing to the current base of education
6 knowledge by addressing enduring problems in
7 elementary and secondary education.

8 (2) COORDINATION AND COLLABORATION.—

9 Each regional entity shall coordinate its activities,
10 collaborate, and regularly exchange information with
11 the Secretary, the Director of the Academy of Edu-
12 cation Sciences, the Office of Educational Resources
13 and Dissemination of the Academy, and other appro-
14 priate entities (including educational service agen-
15 cies, as defined in section 9101 of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 7801)).

18 (3) ALLOCATION OF RESOURCES.—Each re-

19 gional entity shall direct its resources under this
20 title to, and within, each State in a manner that re-
21 flects the need for assistance, taking into account
22 factors such as the proportion of economically dis-
23 advantaged students and the cost burden in areas of
24 sparse populations, and giving priority to—

1 (A) schools with high percentages or num-
2 bers of students from low-income families, as
3 determined under section 1113(a)(5) of the Ele-
4 mentary and Secondary Education Act of 1965
5 (20 U.S.C. 6313(a)(5)), including such schools
6 in rural and urban areas, and schools partici-
7 pating in schoolwide programs under title I of
8 that Act (20 U.S.C. 6301 et seq.);

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

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

21 (4) REPORT TO SECRETARY.—Each regional
22 entity shall submit to the Secretary an annual re-
23 port, at such time, in such manner, and containing
24 such information as the Secretary may require,
25 which shall include the following:

1 (i) The information described in para-
2 graph (5)(E).

3 (ii) A summary of the entity's activi-
4 ties during the preceding year.

5 (iii) A listing of the States, local edu-
6 cational agencies, and schools the entity
7 assisted during the preceding year.

8 (5) REGIONAL CONTRACT BOARDS.—

9 (A) ESTABLISHMENT.—Not later than 120
10 days after entering into a contract under this
11 section, a regional entity shall establish a re-
12 gional contract board.

13 (B) COMPOSITION.—

14 (i) IN GENERAL.—The regional con-
15 tract board shall be composed of—

16 (I) the chief State school officers
17 (or other State officials in each State
18 served by the regional entity who have
19 primary responsibility under State law
20 for elementary and secondary edu-
21 cation in the State), or their des-
22 ignees, in the region served by the re-
23 gional entity; and

24 (II) not more than 15 other
25 members who are representative of

1 the educational interests in the region
2 served by the regional entity and are
3 selected jointly by the officials speci-
4 fied in subclause (I) and the Gov-
5 ernors of each State within the region,
6 including the following:

7 (aa) Representatives of local
8 educational agencies, including
9 representatives of local edu-
10 cational agencies serving urban
11 and rural areas.

12 (bb) Representatives of in-
13 stitutions of higher education.

14 (cc) Parents.

15 (dd) Practicing educators,
16 including classroom teachers,
17 principals, and administrators.

18 (ee) Representatives of busi-
19 ness.

20 (ff) Policymakers, expert
21 practitioners, and researchers
22 with knowledge of, and experi-
23 ence using, the results of re-
24 search, evaluation, and statistics.

1 (ii) SPECIAL RULE.—In the case of a
2 State in which the Governor has the pri-
3 mary responsibility under State law for ele-
4 mentary and secondary education in the
5 State, the Governor shall consult with the
6 State educational agency in selecting addi-
7 tional members of the regional contract
8 board under clause (i)(II).

9 (C) DUTIES.—The regional contract board
10 shall—

11 (i) oversee, guide, and direct the re-
12 gional entity's performance of its contract
13 awarded under this section, subject to the
14 Secretary's ultimate authority to enforce
15 the contract;

16 (ii) ensure that the activities of the re-
17 gional entity under this section monitor
18 and address the educational needs of the
19 region, on an ongoing basis;

20 (iii) ensure that the regional entity at-
21 tains and maintains a high standard of
22 quality in the performance of its activities,
23 consistent with the standards established
24 under section 204(b); and

1 (iv) ensure that the regional entity
2 carries out its duties in a manner that pro-
3 motes progress toward reforming schools
4 and educational systems.

5 (D) ACCEPTANCE OF OTHER ASSIST-
6 ANCE.—Each regional contract board may ac-
7 cept gifts, in-kind contributions, services, or
8 other assistance to facilitate its activities.

9 (E) BOARD REPORT.—The regional con-
10 tract board shall submit to the regional entity,
11 for inclusion in the entity’s annual report under
12 paragraph (4), the following:

13 (i) A summary of the board’s activi-
14 ties during the preceding year.

15 (ii) A description of how well the re-
16 gional entity is meeting the educational
17 needs of the region.

18 (iii) Any other information the Sec-
19 retary may require.

20 (c) APPLICATION.—

21 (1) SUBMISSION.—Each regional entity seeking
22 a contract under this section shall submit an appli-
23 cation at such time, in such manner, and containing
24 such additional information as the Secretary may
25 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 subsection (b) in
4 a manner that addresses the priorities established
5 under section 204(a) and addresses the needs of all
6 States (and to the extent practicable, of local edu-
7 cational agencies) within the region, on an ongoing
8 basis.

9 (3) ELIGIBLE APPLICANTS.—Contracts under
10 this section may be made with private or public, for-
11 profit or nonprofit research organizations, institu-
12 tions, agencies, institutions of higher education, or
13 partnerships among such entities, or individuals,
14 with the demonstrated ability or capacity to carry
15 out the activities described in subsection (b), which
16 may include regional entities that carried out activi-
17 ties under the Educational Research, Development,
18 Dissemination, and Improvement Act of 1994 (as
19 such Act existed on the day before the date of enact-
20 ment of this Act) and title XIII of the Elementary
21 and Secondary Education Act of 1965 (as such title
22 existed on the day before the date of enactment of
23 the No Child Left Behind Act of 2001 (Public Law
24 107–110)).

1 (4) OUTREACH.—In conducting competitions
2 for contracts under this section, the Secretary
3 shall—

4 (A) actively encourage potential applicants
5 to compete for such awards by making widely
6 available information and technical assistance
7 relating to the competition; and

8 (B) seek input from Governors, chief State
9 school officers, educators, and parents regard-
10 ing the need for applied research, dissemina-
11 tion, training, technical assistance, and develop-
12 ment activities authorized by this title in the re-
13 gions to be served and how those educational
14 needs would be addressed most effectively.

15 (5) OBJECTIVES AND INDICATORS.—Before en-
16 tering into a contract under this section, the Sec-
17 retary shall design specific objectives and measur-
18 able indicators, using the results of the survey con-
19 ducted under section 203(d), to be used to assess
20 the particular programs or initiatives, and ongoing
21 progress and performance, of the regional entities, in
22 order to ensure that the educational needs of the re-
23 gion are being met and that the latest and best re-
24 search and proven practices are being carried out as
25 part of school improvement efforts.

1 (d) AUTHORITY.—

2 (1) IN GENERAL.—To carry out the activities
3 described in subsection (b), the Secretary shall—

4 (A)(i) enter into contracts for a 5-year pe-
5 riod with at least two regional entities for each
6 region described in subsection (a)(2), of which
7 at least one shall be a nonprofit entity;

8 (ii) ensure that the primary duties of at
9 least one regional entity shall include activities
10 described in subsection (b)(1)(A); and

11 (iii) ensure that the primary duties of at
12 least one regional entity shall include activities
13 described in subsections (b)(1)(C) and
14 (b)(1)(D); and

15 (B) ensure that the regional entities have
16 strong and effective governance, organization,
17 management, and administration, and employ
18 qualified staff.

19 (2) COORDINATION.—In order to ensure coordi-
20 nation and prevent unnecessary duplication of activi-
21 ties among the regions, the Secretary shall—

22 (A) share information about the activities
23 of each regional entity with each other regional
24 entity and with the Department, including the

1 Director of the Academy of Education Sciences
2 and the National Board for Education Sciences;

3 (B) create a strategic plan for ensuring
4 that each regional entity increases collaboration
5 and resource-sharing in such activities;

6 (C) where appropriate, ensure that the ac-
7 tivities of each regional entity also serve na-
8 tional interests; and

9 (D) ensure that each of the regional enti-
10 ties funded under this title coordinates its ac-
11 tivities with the activities of the other regional
12 entities.

13 (e) CONTINUATION.—In order to carry out this title
14 and facilitate the transition to regional entities, the
15 Secretary—

16 (1) shall continue the existing awards of the re-
17 gional educational laboratories established under sec-
18 tion 941(h) of the Educational Research, Develop-
19 ment, Dissemination, and Improvement Act of 1994
20 (as such provision existed on the day before the date
21 of enactment of this Act), the Eisenhower Regional
22 Mathematics and Science Education Consortia es-
23 tablished under part M of such Act (as such part ex-
24 isted on the day before the date of enactment of this
25 Act), and the Regional Technology in Education

1 Consortia under section 3141 of the Elementary and
2 Secondary Education Act of 1965 (as such section
3 existed on the day before the date of enactment of
4 the No Child Left Behind Act of 2001 (Public Law
5 107–110)), for the duration of those existing awards
6 in accordance with the terms and agreements of
7 such awards; and

8 (2) may extend for no more than 2 years the
9 awards of the Comprehensive Regional Assistance
10 Centers established under part K of the Educational
11 Research, Development, Dissemination, and Im-
12 provement Act of 1994 (as such part existed on the
13 day before the date of enactment of this Act).

14 **SEC. 203. REGIONAL ADVISORY COMMITTEES.**

15 (a) ESTABLISHMENT.—The Secretary shall establish
16 a regional advisory committee for each region described
17 in section 202(a)(2).

18 (b) MEMBERSHIP.—

19 (1) COMPOSITION.—The membership of each
20 regional advisory committee shall—

21 (A) not exceed 25 members;

22 (B) contain a balanced representation of
23 States in the region; and

1 (C) include not more than one representa-
2 tive of each State educational agency geographi-
3 cally located in the region.

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

6 (A) Representatives of local educational
7 agencies, including rural and urban local edu-
8 cational agencies.

9 (B) Representatives of institutions of high-
10 er education, including individuals representing
11 university-based education research and univer-
12 sity-based research on subjects other than edu-
13 cation.

14 (C) Parents.

15 (D) Practicing educators, including class-
16 room teachers, principals, administrators,
17 school board members, and other local school
18 officials.

19 (E) Representatives of business.

20 (F) Researchers.

21 (3) RECOMMENDATIONS.—In choosing individ-
22 uals for membership on a regional advisory com-
23 mittee, the Secretary shall consult with, and solicit
24 recommendations from, the Governors, chief State

1 school officers, and education stakeholders within
2 the applicable region.

3 (4) SPECIAL RULE.—The total number of mem-
4 bers on each committee who are selected under sub-
5 paragraphs (A), (C), and (D) of paragraph (2), col-
6 lectively, shall exceed the total number of members
7 who are selected under paragraph (1)(C) and sub-
8 paragraphs (B), (E), and (F) of paragraph (2), col-
9 lectively.

10 (c) DUTIES.—Each regional advisory committee shall
11 advise the Secretary on the following:

12 (1) The educational needs of its region (using
13 the results of the survey conducted under subsection
14 (d)), in order to assist in making decisions regarding
15 the priorities established under section 204(a) and
16 the priorities established under section 116 of the
17 Education Sciences Reform Act of 2002.

18 (2) The quality of the applications submitted
19 under section 202(c).

20 (3) The quality of the regional entity's perform-
21 ance of its contract.

22 (d) REGIONAL SURVEYS.—Each regional advisory
23 committee shall—

1 (1) conduct a survey of the educational needs,
2 strengths, and weaknesses within the region to be
3 served;

4 (2) in conducting the survey under paragraph
5 (1), seek input from Governors, chief State school
6 officers, educators, and parents (including through a
7 process of open hearings to solicit the views and
8 needs of schools (including public charter schools),
9 teachers, administrators, parents, local educational
10 agencies, librarians, businesses, State educational
11 agencies, and other customers (such as adult edu-
12 cation programs) within the region) regarding the
13 need for the activities described in section 202(b)(1)
14 and how those needs would be most effectively ad-
15 dressed; and

16 (3) submit the survey to the Secretary and to
17 the Director of the Academy of Education Sciences,
18 at such time, in such manner, and containing such
19 information as the Secretary may require.

20 **SEC. 204. PRIORITIES AND EVALUATIONS.**

21 (a) PRIORITIES.—The Secretary may establish prior-
22 ities for the regional entities to address. The priorities
23 shall directly correspond with the educational needs of the
24 region, using the regional survey conducted under section
25 203(d).

1 (b) STANDARDS.—The Secretary shall establish
2 standards, consistent with those established under section
3 135(a) of the Education Sciences Reform Act of 2001, for
4 the conduct of research and development and the dissemi-
5 nation of scientifically based research by the regional enti-
6 ties.

7 (c) EVALUATIONS.—The Secretary shall provide for
8 ongoing independent evaluations of the regional entities
9 receiving contracts under this title, the results of which
10 shall be transmitted to the appropriate congressional com-
11 mittees and the Director of the Academy of Education
12 Sciences. Such evaluations shall include an analysis of the
13 services provided under this title, the extent to which each
14 of the regional entities meets the objectives of its respec-
15 tive plan (as submitted in its application under section
16 202(c)(2)), and whether such services meet the edu-
17 cational needs of State educational agencies and local edu-
18 cational agencies and schools in the region.

19 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-
21 priated to carry out this title \$189,000,000 for fiscal year
22 2003 and such sums as may be necessary for each of the
23 5 succeeding fiscal years.

24 (b) LIMITATION.—Not more than 5 percent of the
25 funds appropriated under subsection (a) for a fiscal year

1 may be used to establish and administer the regional advisory
 2 sory committees required under section 203 and to conduct
 3 the evaluations required under section 204(c).

4 **SEC. 206. GENERAL PROVISIONS.**

5 Part E of the Education Sciences Reform Act of
 6 2002 applies to this title, as appropriate, except that any
 7 duty of the Director of the Academy of Education Sciences
 8 under that part shall be a duty of Secretary under this
 9 title.

10 **TITLE III—NATIONAL ASSESS-**
 11 **MENT OF EDUCATIONAL**
 12 **PROGRESS**

13 **SEC. 301. SHORT TITLE.**

14 This title may be referred to as the “National Assessment
 15 of Educational Progress Authorization Act”.

16 **SEC. 302. DEFINITIONS.**

17 In this title:

18 (1) The term “Director” means the Director of
 19 the Academy of Education Sciences.

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

23 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There are authorized to be
 25 appropriated—

1 (1) for fiscal year 2003—

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

6 (B) \$107,500,000 to carry out section 303,
7 as amended by section 401 of this Act (relating
8 to the National Assessment of Educational
9 Progress); and

10 (2) such sums as may be necessary for each of
11 the 5 succeeding fiscal years to carry out sections
12 302 and 303, as amended by section 401 of this Act.

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

15 **TITLE IV—AMENDATORY**
16 **PROVISIONS**

17 **SEC. 401. REDESIGNATIONS.**

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

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

1 (2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or
2 evaluation purpose under this title”;

3 (3) so that paragraph (1) of subsection (b)
4 reads as follows:

5 “(1) IN GENERAL.—

6 “(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and
7 no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee
8 of the Academy to disclose individually identifiable information that has been collected or retained under this title.
9
10 “(B) IMMUNITY.—Individually identifiable
11 information collected or retained under this title
12 shall be immune from legal process and shall
13 not, without the consent of the individual concerned, be admitted as evidence or used for any
14 purpose in any action, suit, or other judicial or
15 administrative proceeding.

16 “(C) APPLICATION.—This paragraph does
17 not apply to requests for individually identifiable
18 information collected or retained under this title
19 shall be immune from legal process and shall
20 not, without the consent of the individual concerned, be admitted as evidence or used for any
21 purpose in any action, suit, or other judicial or
22 administrative proceeding.
23 “(C) APPLICATION.—This paragraph does
24 not apply to requests for individually identifiable

1 able information submitted by or on behalf of
2 the individual identified in the information.”;

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

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

9 (6) by striking the section heading and trans-
10 ferring all the subsections (including subsections (a)
11 through (c)) and redesignating such subsections as
12 subsections (c) through (e), respectively, at the end
13 of section 184 of this Act.

14 (b) CONFORMING AMENDMENT.—Sections 302 and
15 303 of this Act are redesignated as sections 304 and 305,
16 respectively.

17 (c) NATIONAL ASSESSMENT GOVERNING BOARD.—
18 Section 412 of the National Education Statistics Act of
19 1994 (20 U.S.C. 9011) is amended—

20 (1) in subsection (a), by striking “referred to as
21 the ‘Board’ ” and inserting “referred to as the ‘As-
22 sessment Board’ ”;

23 (2) by striking “Board” each place such term
24 appears (other than in subsection (a)) and inserting
25 “Assessment Board”;

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

4 (4) in subsection (a) by inserting “(carried out
5 under section 303)” after “for the National Assess-
6 ment”;

7 (5) in subsection (b)(2)—

8 (A) by striking “ASSISTANT SECRETARY
9 FOR EDUCATIONAL RESEARCH” in the heading
10 and inserting “DIRECTOR OF THE ACADEMY OF
11 EDUCATION SCIENCES”; and

12 (B) by striking “Assistant Secretary for
13 Educational Research and Improvement” and
14 inserting “Director of the Academy of Edu-
15 cation Sciences”;

16 (6) in subsection (e)(1)(A), by striking “section
17 411(b)” and inserting “section 303(b)”;

18 (7) in subsection (e)(1)(B), by striking “section
19 411(e)” and inserting “section 303(e)”;

20 (8) in subsection (e)(1)(E), by striking “, in-
21 cluding the Advisory Council established under sec-
22 tion 407”;

23 (9) in subsections (e)(1)(F) and (e)(1)(I), by
24 striking “section 411” each place such term appears
25 and inserting “section 303”;

1 (10) in subsection (e)(5), by striking “and the
2 Advisory Council on Education Statistics”;

3 (11) in subsection (e)(6), by striking “section
4 411(e)” and inserting “section 303(e)”; and

5 (12) by transferring and redesignating the sec-
6 tion as section 302 (following section 301) of title
7 III of this Act.

8 (d) NATIONAL ASSESSMENT OF EDUCATIONAL
9 PROGRESS.—Section 411 of the National Education Sta-
10 tistics Act of 1994 (20 U.S.C. 9010) is amended—

11 (1) by striking “Commissioner” each place such
12 term appears and inserting “Commissioner for Edu-
13 cation Statistics”;

14 (2) by striking “National Assessment Governing
15 Board” and “National Board” each place either
16 such term appears and inserting “Assessment
17 Board”;

18 (3) in subsection (a)—

19 (A) by striking “section 412” and insert-
20 ing “section 302”;

21 (B) by striking “and with the technical as-
22 sistance of the Advisory Council established
23 under section 407,”; and

24 (C) by inserting “(awarded by the Direc-
25 tor, acting through the Commissioner for Edu-

1 cation Statistics)” after “cooperative agree-
 2 ments”;

3 (4) in subsection (b)(1), by inserting “of” after
 4 “academic achievement and reporting”;

5 (5) in subsection (b)(3)(A)—

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

9 (B) in clause (ii), by striking “paragraph
 10 (1)(C)” and inserting “paragraph (2)(C)”; and

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

13 (6) in subsection (b)(5), by striking “(c)(2)”
 14 and inserting “(c)(3)”;

15 (7) in subsection (c)(2)(D), by striking “sub-
 16 paragraph (B)” and inserting “subparagraph (C)”;

17 (8) in subsection (e)(4), by striking “subpara-
 18 graph (2)(C)” and inserting “paragraph (2)(C) of
 19 such subsection”;

20 (9) in subsection (f)(1)(B)(iv), by striking “sec-
 21 tion 412(e)(4)” and inserting “section 302(e)(4)”;

22 and

23 (10) by transferring and redesignating the sec-
 24 tion as section 303 (following section 302) of title
 25 III of this Act.

1 (e) TABLE OF CONTENTS AMENDMENT.—The items
 2 relating to title III in the table of contents of this Act,
 3 as amended by section 401 of this Act, are amended to
 4 read 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.”.

5 **SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**
 6 **ORGANIZATION ACT.**

7 The Department of Education Organization Act (20
 8 U.S.C. 3401 et seq.) is amended as follows:

9 (1) Paragraph (4) of section 202(b) (20 U.S.C.
 10 3412(b)) is amended to read as follows:

11 “(4) There shall be in the Department a Director of
 12 the Academy of Education Sciences who shall be ap-
 13 pointed in accordance with section 115(a) of the Edu-
 14 cation Sciences Reform Act of 2002 and perform the du-
 15 ties described in that Act.”.

16 (2) Section 208 (20 U.S.C. 3419) is amended
 17 to read as follows:

18 “ACADEMY OF EDUCATION SCIENCES

19 “SEC. 208. There shall be in the Department of Edu-
 20 cation an Academy of Education Sciences, which shall be
 21 administered in accordance with the Education Sciences

1 Reform Act of 2002 by the Director appointed under sec-
 2 tion 115(a) of that Act.”.

3 (3) In the table of contents in section 1 (20
 4 U.S.C. 3401 note), the item relating to section 208
 5 is amended to read as follows:

“Sec. 208. Academy of Education Sciences.”.

6 **SEC. 403. REPEALS.**

7 The following provisions of law are repealed:

8 (1) The National Education Statistics Act of
 9 1994 (title IV of the Improving America’s Schools
 10 Act of 1994; 20 U.S.C. 9001 et seq.).

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

16 (3) Paragraph (2) of section 401(b) of the De-
 17 partment of Education Organization Act (20 U.S.C.
 18 3461(b)(2)).

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

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

1 (b) TITLE 5, UNITED STATES CODE.—Title 5,
2 United States Code, is amended—

3 (1) in section 5314, by inserting a period after
4 “Under Secretary of Education”; and

5 (2) in section 5315, by striking the following:

6 “Commissioner, National Center for Education Sta-
7 tistics.”.

8 (c) GENERAL EDUCATION PROVISIONS ACT.—Sec-
9 tion 447(b) of the General Education Provisions Act (20
10 U.S.C. 1232j) is amended by striking “section 404(a)(6)
11 of the National Education Statistics Act of 1994 (20
12 U.S.C. 9003(a)(6))” and inserting “section 153(a)(5) of
13 the Education Sciences Reform Act of 2002”.

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

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

22 (2) Section 1112(b)(1)(F) is amended by strik-
23 ing “section 411(b)(2) of the National Education
24 Statistics Act of 1994” and inserting “section

1 303(b)(2) of the National Assessment of Edu-
2 cational Progress Authorization Act”.

3 (3) Section 1117(a)(3) is amended—

4 (A) by inserting “(as such section existed
5 on the day before the date of enactment of the
6 Education Sciences Reform Act of 2002)” after
7 “Act of 1994”; and

8 (B) by inserting “regional educational ap-
9 plied research and technical assistance entities
10 established under section 202 of the Regional
11 Assistance Act of 2002 and” after “assistance
12 from”.

13 (4) Section 1501(a)(3) is amended by striking
14 “section 411 of the National Education Statistics
15 Act of 1994” and inserting “section 303 of the Na-
16 tional Assessment of Educational Progress Author-
17 ization Act”.

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

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

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

24 (C) Section 5464(e)(1) (20 U.S.C.
25 7253c(e)(1)).

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

3 (E) Paragraphs (1) and (2) of section
4 7131(c) (20 U.S.C. 7451(c)).

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

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

10 (A) in subsection (a)(5), by striking “As-
11 sistant Secretary of the Office of Educational
12 Research and Improvement” and inserting “Di-
13 rector of the Academy of Education Sciences”;
14 and

15 (B) in subsection (b)(2)(B), by striking
16 “research institutes of the Office of Educational
17 Research and Improvement” and inserting
18 “National Education Centers of the Academy of
19 Education Sciences”.

20 (8) Sections 5615(d)(1) and 7131(c)(1) (20
21 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended
22 by striking “the Office” and inserting “the Acad-
23 emy”.

24 (9) Section 9529(b) is amended by striking
25 “section 404(a)(6) of the National Education Statis-

1 tics Act of 1994” and inserting “section 153(a)(5)
2 of the Education Sciences Reform Act of 2002”.

3 (e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF
4 1994.—Section 404 of the School-to-Work Opportunities
5 Act of 1994 (20 U.S.C. 6194) is amended by inserting
6 “(as such Act existed on the day before the date of enact-
7 ment of the Education Sciences Reform Act of 2002)”
8 after “Act of 1994”.

9 **SEC. 405. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act shall
11 take effect on October 1, 2002.

12 **SEC. 406. SEVERABILITY.**

13 If any provision of this Act, or the application of such
14 provision to any person or circumstance, is held invalid,
15 the remainder of this Act, or the application of such provi-
16 sion to persons or circumstances other than those as to
17 which the provision is held invalid, shall not be affected
18 thereby.

19 **SEC. 407. ORDERLY TRANSITION.**

20 The Secretary of Education shall take such steps as
21 are necessary to provide for the orderly transition to, and
22 implementation of, the offices, boards, committees, and
23 centers (and their various functions and responsibilities)
24 established or authorized by this Act, and by the amend-
25 ments made by this Act, from those established or author-

1 ized by the Educational Research, Development, Dissemi-
2 nation, and Improvement Act of 1994 (20 U.S.C. 6001
3 et seq.) and the National Education Statistics Act of 1994
4 (20 U.S.C. 9001 et seq.).

Passed the House of Representatives April 30, 2002.

Attest:

JEFF TRANDAHL,

Clerk.