

Union Calendar No. 239

107TH CONGRESS
2^D SESSION

H. R. 3801

[Report No. 107-404]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2002

Mr. CASTLE (for himself, Mr. BOEHNER, Mr. UPTON, Mr. FLETCHER, Mrs. BIGGERT, Mr. KELLER, and Mr. TANCREDI) introduced the following bill; which was referred to the Committee on Education and the Workforce

APRIL 11, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on February 27, 2002]

A BILL

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,*

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

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

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

6 ***SEC. 102. TABLE OF CONTENTS.***

7 *The table of contents for this title is as follows:*

Sec. 101. Short title.

Sec. 102. Table of contents.

PART A—ACADEMY OF EDUCATION SCIENCES

Sec. 111. Establishment.

Sec. 112. Organization.

Sec. 113. Functions.

Sec. 114. Delegation.

Sec. 115. Office of the Director.

Sec. 116. Priorities.

Sec. 117. National Board for Education Sciences.

Sec. 118. Commissioners of the National Education Centers.

Sec. 119. Office of Educational Resources and Dissemination.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

Sec. 131. Establishment.

Sec. 132. Commissioner for Education Research.

Sec. 133. Duties.

Sec. 134. Biennial report.

Sec. 135. Standards for conduct and evaluation of research.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

Sec. 151. Establishment.

Sec. 152. Commissioner for Education Statistics.

Sec. 153. Duties.

Sec. 154. Performance of duties.

Sec. 155. Reports.

Sec. 156. Dissemination.

Sec. 157. Cooperative education statistics systems.

Sec. 158. State defined.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION

Sec. 171. Establishment.

Sec. 172. Commissioner for Education Evaluation.

Sec. 173. Duties.

PART E—GENERAL PROVISIONS

Sec. 181. Definitions.
Sec. 182. Interagency data sources and formats.
Sec. 183. Prohibitions.
Sec. 184. Confidentiality.
Sec. 185. Availability of data.
Sec. 186. Performance management.
Sec. 187. Authority to publish.
Sec. 188. Vacancies.
Sec. 189. Scientific or technical employees.
Sec. 190. Voluntary service.
Sec. 191. Fellowships.
Sec. 192. Rulemaking.
Sec. 193. Authorization of appropriations.

1 **PART A—ACADEMY OF EDUCATION**2 **SCIENCES**3 **SEC. 111. ESTABLISHMENT.**

4 (a) *ESTABLISHMENT.*—*There shall be in the Depart-*
5 *ment an Academy of Education Sciences, to be adminis-*
6 *tered by a Director (as provided in section 115) and a*
7 *board of directors (as provided in section 117).*

8 (b) *MISSION.*—*The mission of the Academy is to pro-*
9 *vide national leadership in expanding fundamental knowl-*
10 *edge and understanding of education, in order to provide*
11 *parents, educators, students, researchers, policymakers, and*
12 *the general public with reliable information about the con-*
13 *dition and progress of education in the United States, edu-*
14 *cational practices that support learning and improve aca-*
15 *demic achievement for all students, and the effectiveness of*
16 *Federal and other education programs. In carrying out this*
17 *mission, the Academy shall conduct research, evaluation,*
18 *statistics, and dissemination activities supported by Fed-*

1 eral funds through the Academy and ensure that such
 2 activities—

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

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

8 **SEC. 112. ORGANIZATION.**

9 *The Academy consists of the following:*

10 (1) *The Office of the Director (as set out in sec-*
 11 *tion 115).*

12 (2) *The National Board for Education Sciences*
 13 *(as set out in section 117).*

14 (3) *The Office of Educational Resources and Dis-*
 15 *semination (as set out in section 119).*

16 (4) *The National Education Centers, which*
 17 *include—*

18 (A) *the National Center for Education Re-*
 19 *search (as set out in part B);*

20 (B) *the National Center for Education Sta-*
 21 *tistics (as set out in part C); and*

22 (C) *the National Center for Education*
 23 *Evaluation (as set out in part D).*

1 **SEC. 113. FUNCTIONS.**

2 *The Academy, directly or through grants, contracts, or*
3 *cooperative agreements, shall—*

4 (1) *conduct and support scientifically valid re-*
5 *search activities, including basic and applied re-*
6 *search, statistics activities, scientifically valid edu-*
7 *cation evaluation, development, and dissemination;*

8 (2) *disseminate the findings and results of sci-*
9 *entifically valid research in education;*

10 (3) *promote the application of knowledge gained*
11 *from scientifically valid research activities;*

12 (4) *strengthen the national capacity to conduct*
13 *scientifically valid research in education; and*

14 (5) *promote the coordination of scientifically*
15 *valid research in education within the Department*
16 *and the Federal Government.*

17 **SEC. 114. DELEGATION.**

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

23 (1) *nothing in this title or in the National As-*
24 *essment of Educational Progress Authorization Act*
25 *may be construed to alter or diminish the role, re-*
26 *sponsibilities, or authority of the National Assessment*

1 *Governing Board with respect to the National Assess-*
 2 *ment of Educational Progress from those authorized*
 3 *by the National Education Statistics Act immediately*
 4 *before the enactment of this Act;*

5 *(2) members of the National Assessment Gov-*
 6 *erning Board shall continue to be appointed by the*
 7 *Secretary;*

8 *(3) section 302(f)(1) of the National Assessment*
 9 *of Educational Progress Authorization Act shall*
 10 *apply to the National Assessment Governing Board in*
 11 *the exercise of its responsibilities under this Act;*

12 *(4) section 116 shall not apply to the National*
 13 *Assessment of Educational Progress; and*

14 *(5) section 117 shall not apply to the National*
 15 *Assessment Governing Board.*

16 *(b) OTHER ACTIVITIES.—The Secretary may assign*
 17 *the Academy responsibility for administering other activi-*
 18 *ties, if those activities are consistent with—*

19 *(1) the Academy’s priorities, as approved by the*
 20 *National Board for Education Sciences under section*
 21 *116; or*

22 *(2) the Academy’s mission, if the activities are*
 23 *not consistent with such priorities.*

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

2 (a) *APPOINTMENT.*—*The President, with the advice*
3 *and consent of the Senate, shall appoint the Director of the*
4 *Academy.*

5 (b) *TERM.*—

6 (1) *IN GENERAL.*—*The Director shall serve for a*
7 *term of 6 years, beginning on the date of appointment*
8 *of the Director, but may be removed by the President*
9 *prior to the expiration of that term.*

10 (2) *FIRST DIRECTOR.*—*The President, without*
11 *the advice and consent of the Senate, may appoint the*
12 *Assistant Secretary for the Office of Educational Re-*
13 *search and Improvement (as such office existed on the*
14 *day before the date of the enactment of this Act) to*
15 *serve as the Director of the Academy for a term that*
16 *ends on July 1, 2007.*

17 (3) *SUBSEQUENT DIRECTORS.*—*The Board may*
18 *make recommendations to the President with respect*
19 *to the appointment of a Director, except in such case*
20 *as described in paragraph (2).*

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

23 (d) *QUALIFICATIONS.*—*The Director shall be selected*
24 *from individuals who are highly qualified authorities in the*
25 *fields of scientifically valid research, statistics, or evalua-*
26 *tion in education, as well as management within such*

1 *areas, and have a demonstrated capacity for sustained pro-*
 2 *ductivity and leadership in these areas.*

3 *(e) ADMINISTRATION.—The Director shall—*

4 *(1) administer, oversee, and coordinate the ac-*
 5 *tivities carried out under the Academy, including the*
 6 *activities of the National Education Centers; and*

7 *(2) coordinate budgets and operating plans for*
 8 *each of the National Education Centers.*

9 *(f) DUTIES.—The duties of the Director shall be the*
 10 *following:*

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

13 *(2) To ensure the methodology applied in con-*
 14 *ducting research, evaluation, and statistical analysis*
 15 *is consistent with the standards for such activities*
 16 *under this title.*

17 *(3) To coordinate education research and related*
 18 *activities carried out by the Academy with such re-*
 19 *search and activities carried out by other agencies*
 20 *within the Department and the Federal Government.*

21 *(4) To advise the Secretary on research, evalua-*
 22 *tion, and statistics activities relevant to the activities*
 23 *of the Department.*

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

4 (6) *To ensure that all participants in research*
5 *conducted or supported by the Academy are afforded*
6 *their privacy rights and other relevant protections as*
7 *research subjects, in accordance with section 184 of*
8 *this title, section 552a of title 5, United States Code,*
9 *and sections 444 and 445 of the General Education*
10 *Provisions Act (20 U.S.C. 1232g, 1232h).*

11 (7) *To carry out and support other activities*
12 *consistent with the priorities and mission of the*
13 *Academy.*

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

19 (9) *To undertake initiatives and programs to in-*
20 *crease the participation of researchers and institu-*
21 *tions that have been historically underutilized in Fed-*
22 *eral educational research activities in the activities of*
23 *the Academy, including historically black colleges and*
24 *universities and other institutions of higher education*
25 *with large numbers of minority students.*

1 (10) *To coordinate with the Secretary to promote*
2 *and provide for the coordination of research and de-*
3 *velopment activities and technical assistance activi-*
4 *ties between the Academy and the regional governing*
5 *boards and regional entities described in section 203*
6 *of the Regional Assistance Act of 2002 to ensure col-*
7 *laboration and resource sharing and reduce redun-*
8 *dancy in such activities.*

9 (11) *To solicit and consider the recommendations*
10 *of education stakeholders, in order to ensure that there*
11 *is broad and regular public and professional input*
12 *from the educational field in the planning and car-*
13 *rying out of the Academy’s activities.*

14 (12) *At the discretion of the Director and in con-*
15 *sultation with the National Academy of Sciences, to*
16 *conduct a study to determine—*

17 (A) *a standard by which States may accu-*
18 *rately measure the rate at which students drop*
19 *out of or graduate from secondary schools in the*
20 *United States (including on-time graduation);*
21 *and*

22 (B) *the use of alcohol or illegal narcotics as*
23 *contributing factors to incidents of school vio-*
24 *lence committed by students during the regular*

1 *school day and while participating in other*
2 *school-related activities.*

3 (g) *EXPERT GUIDANCE AND ASSISTANCE.*—*The Direc-*
4 *tor may establish technical and scientific peer-review*
5 *groups and scientific program advisory committees that the*
6 *Director determines are necessary to carry out the require-*
7 *ments of this title. The Director shall appoint such per-*
8 *sonnel, except that officers and employees of the United*
9 *States shall comprise no more than one-fourth of the mem-*
10 *bers of any such group and shall not receive additional com-*
11 *pensation for their service as members of such a group. The*
12 *Director shall ensure that reviewers are highly qualified*
13 *and capable to appraise educational research and develop-*
14 *ment projects. The Federal Advisory Committee Act (5*
15 *U.S.C. App.) shall not apply to a peer-review group estab-*
16 *lished under this subsection.*

17 **SEC. 116. PRIORITIES.**

18 (a) *PROPOSAL.*—*The Director shall propose to the*
19 *Board (established in section 117) priorities for the Acad-*
20 *emy (taking into consideration long-term research and de-*
21 *velopment on core issues conducted through the national re-*
22 *search and development centers (as defined in section 181))*
23 *identifying topics that may require long-term research and*
24 *topics that are focused on understanding and solving par-*
25 *ticular education problems and issues, including those asso-*

1 ciated with the goals and requirements established in the
2 Elementary and Secondary Education Act of 1965 (20
3 U.S.C. 6301 et seq.), such as—

4 (1) closing the achievement gap between high-
5 performing and low-performing children, particularly
6 achievement gaps between minority and nonminority
7 children and between disadvantaged children and
8 their more advantaged peers; and

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

12 (b) APPROVAL.—The Board shall approve or dis-
13 approve the priorities for the Academy proposed by the Di-
14 rector, including any necessary revision of those priorities.
15 The Board shall transmit any priorities so approved to the
16 appropriate congressional committees.

17 (c) CONSISTENCY.—The Board shall ensure that prior-
18 ities of the Academy and the National Education Centers
19 are consistent with the mission of the Academy.

20 (d) PUBLIC AVAILABILITY AND COMMENT.—

21 (1) PRIORITIES.—Before submitting to the Board
22 proposed priorities for the Academy, the Director
23 shall make such priorities available to the public for
24 comment (including by means of the Internet and
25 through publishing such priorities in the Federal Reg-

1 *ister). The Director shall provide to the Board a copy*
 2 *of each such comment submitted.*

3 (2) *PLAN.*—*Upon approval of such priorities, the*
 4 *Director shall make the Academy’s plan for address-*
 5 *ing such priorities available for public comment in*
 6 *the same manner as under paragraph (1).*

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

8 (a) *ESTABLISHMENT.*—*The Academy shall have a*
 9 *board of directors, which shall be known as the National*
 10 *Board for Education Sciences.*

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

13 (1) *To advise the Director on the policies of the*
 14 *Academy.*

15 (2) *To consider and approve priorities under sec-*
 16 *tion 116 to guide the work of the Academy.*

17 (3) *To review and approve procedures for sci-*
 18 *entific peer review of the activities of the Academy.*

19 (4) *To advise the Director on the development of*
 20 *activities to be supported by the Academy, including*
 21 *the general areas of research to be carried out by the*
 22 *National Center for Education Research.*

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

1 (A) the strengthening of education research;
2 and

3 (B) the funding of the Academy.

4 (6) To advise the Director on the funding of ap-
5 plications for grants, contracts, and cooperative
6 agreements for research, after the completion of peer
7 review.

8 (7) To review and regularly evaluate the work of
9 the Academy, to ensure that scientifically valid re-
10 search, evaluation, and statistical analysis is con-
11 sistent with the standards for such activities under
12 this title.

13 (8) To advise the Director on ensuring that ac-
14 tivities conducted or supported by the Academy are
15 objective, secular, neutral, and nonideological and are
16 free of partisan political influence and racial, cul-
17 tural, gender, or regional bias.

18 (9) To solicit advice and information from those
19 in the educational field, particularly practitioners
20 and researchers, to recommend to the Director topics
21 that require long-term, sustained, systematic, pro-
22 grammatic, and integrated research efforts, including
23 knowledge utilization and dissemination of research,
24 consistent with the priorities and mission of the
25 Academy.

1 (10) *To review and advise the Director on oppor-*
2 *tunities for the participation in, and the advance-*
3 *ment of, women, minorities, and persons with disabil-*
4 *ities in education research, statistics, and evaluation*
5 *activities of the Academy.*

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

9 (12) *To recommend to the Director individuals*
10 *to serve as Commissioners of the National Education*
11 *Centers.*

12 (c) COMPOSITION.—

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

16 (2) ADVICE.—*The President shall solicit advice*
17 *on individuals to serve on the Board from the Na-*
18 *tional Academy of Sciences, the National Science*
19 *Foundation, and the Office of Science and Technology*
20 *Policy.*

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

24 (A) *The Director of the Academy of Edu-*
25 *cation Sciences.*

1 (B) *Each of the commissioners of the Na-*
 2 *tional Education Centers.*

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

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

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

7 (F) *The Director of the National Science*
 8 *Foundation.*

9 (4) *APPOINTED MEMBERSHIP.—*

10 (A) *QUALIFICATIONS.—Members appointed*
 11 *under paragraph (1) shall be highly qualified to*
 12 *appraise educational research, statistics, evalua-*
 13 *tions, or development, and shall include individ-*
 14 *uals from each of the following groups:*

15 (i) *Educators, including classroom*
 16 *teachers, principals, and other school ad-*
 17 *ministrators.*

18 (ii) *Parents.*

19 (iii) *Business leaders.*

20 (iv) *Experts and scientists in research,*
 21 *statistics, evaluation, or development, who*
 22 *are recognized in their discipline as highly*
 23 *qualified to represent such discipline.*

24 (B) *SPECIAL RULE.—A majority of the vot-*
 25 *ing members of the Board must be appointed*

1 *from the groups described in clauses (i) and (iv)*
2 *of subparagraph (A).*

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

6 (i) *the terms of the initial members ap-*
7 *pointed under such paragraph shall (as de-*
8 *termined by a random selection process at*
9 *the time of appointment) be for staggered*
10 *terms of—*

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

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

15 (III) *2 years for each of five mem-*
16 *bers; and*

17 (ii) *no member appointed under such*
18 *paragraph shall serve for more than two*
19 *consecutive terms.*

20 (D) *EXTENSION OF SERVICE.—A member of*
21 *the Board may serve after the expiration of the*
22 *member's term until a successor has been ap-*
23 *pointed and confirmed, but for no longer than 1*
24 *additional year.*

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

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

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

12 (8) *POWERS OF THE BOARD.*—

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

16 (B) *ADDITIONAL STAFF.*—*The Board shall*
17 *utilize such additional staff as may be appointed*
18 *or assigned by the Director, in consultation with*
19 *the Chair.*

20 (C) *DETAIL OF STAFF PERSONNEL.*—*The*
21 *Board may arrange for the detail of staff per-*
22 *sonnel and use the services and facilities of any*
23 *department or agency of the Federal Govern-*
24 *ment.*

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

4 (E) *INFORMATION.*—*The Board may, to the*
 5 *extent otherwise permitted by law, obtain di-*
 6 *rectly from any executive department or agency*
 7 *of the Federal Government such information as*
 8 *the Board deems necessary to carry out its func-*
 9 *tions.*

10 (9) *MEETINGS.*—*The Board shall meet not less*
 11 *than four times each year. The Board shall hold addi-*
 12 *tional meetings at the call of the chairperson or upon*
 13 *the written request of at least six voting members of*
 14 *the Board.*

15 (10) *QUORUM.*—*A majority of the voting mem-*
 16 *bers of the Board shall constitute a quorum.*

17 (d) *STANDING COMMITTEES.*—

18 (1) *ESTABLISHMENT.*—*The Board may establish*
 19 *standing committees—*

20 (A) *to each serve one of the National Edu-*
 21 *cation Centers; and*

22 (B) *to advise, assist, consult with, and make*
 23 *recommendations to the Director and the Com-*
 24 *missioner of the appropriate National Education*
 25 *Centers.*

1 (2) *MEMBERSHIP.*—A majority of the members
2 of each standing committee shall be voting members
3 of the Board whose expertise is needed for the func-
4 tioning of the committee. In addition, the membership
5 of each standing committee may include, as
6 appropriate—

7 (A) experts and scientists in research, sta-
8 tistics, evaluation, or development who are recog-
9 nized in their discipline as highly qualified to
10 represent such discipline and who are not mem-
11 bers of the Board, but who have been rec-
12 ommended by the Commissioners of each Na-
13 tional Education Center and approved by the
14 Board;

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

16 (C) policymakers and expert practitioners
17 with knowledge of, and experience using, the re-
18 sults of research, evaluation, and statistics who
19 are not members of the Board, but who have been
20 recommended by the Commissioners of each Na-
21 tional Education Center and approved by the
22 Board.

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

24 (A) at the discretion of the Board or the
25 standing committee, review and comment on any

1 *grant, contract, or cooperative agreement entered*
2 *into (or proposed to be entered into) by the ap-*
3 *plicable National Education Center;*

4 *(B) prepare for, and submit to, the Board*
5 *an annual evaluation of the operations of the ap-*
6 *plicable National Education Center;*

7 *(C) review and comment on the relevant*
8 *plan for activities to be undertaken by the appli-*
9 *cable National Education Center for each fiscal*
10 *year; and*

11 *(D) periodically report to the Board regard-*
12 *ing the activities of the committee and the appli-*
13 *cable National Education Center.*

14 *(e) ANNUAL REPORT.—The Board shall submit to the*
15 *Director, the Secretary, and the appropriate congressional*
16 *committees, not later than July 1 of each year, a report*
17 *that assesses the effectiveness of the Academy in carrying*
18 *out its priorities and mission, especially as they relate to*
19 *carrying out scientifically valid research, conducting unbi-*
20 *ased evaluations, and collecting and reporting accurate edu-*
21 *cation statistics.*

22 *(f) RECOMMENDATIONS.—The Board shall submit to*
23 *the Director, the Secretary, and the appropriate congres-*
24 *sional committees a report that includes any recommenda-*
25 *tions regarding any actions that could be taken to enhance*

1 *the ability of the Academy to carry out its priorities and*
2 *mission. The Board shall submit an interim report not later*
3 *than 3 years after the date of enactment of this Act and*
4 *a final report not later than 5 years after such date of en-*
5 *actment.*

6 **SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION**
7 **CENTERS.**

8 (a) *APPOINTMENT.*—*The National Education Centers*
9 *shall each be headed by a Commissioner appointed by the*
10 *Director. In appointing Commissioners, the Director shall*
11 *seek to promote continuity in leadership of the National*
12 *Education Centers and shall consider individuals rec-*
13 *ommended by the Board, acting in consultation with the*
14 *Director. The Director may appoint a Commissioner to*
15 *carry out the functions of a National Education Center*
16 *without regard to the provisions of title 5, United States*
17 *Code, governing appointments in the competitive service,*
18 *and the provisions of chapter 51 and subchapter III of*
19 *chapter 53 of such title relating to classification and Gen-*
20 *eral Schedule pay rates.*

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

23 (c) *QUALIFICATIONS.*—*Each Commissioner shall be*
24 *highly qualified in the field of education research, statistics,*
25 *or evaluation.*

1 (d) *SERVICE AND REMOVAL.*—*Each Commissioner*
 2 *shall report to the Director and may be removed by the Di-*
 3 *rector. A Commissioner shall serve for a period of no more*
 4 *than 6 years, unless reappointed by the Director, except*
 5 *that a Commissioner may serve after the expiration of that*
 6 *Commissioner’s term, until a successor has been appointed*
 7 *by the Director, for up to 1 additional year.*

8 **SEC. 119. OFFICE OF EDUCATIONAL RESOURCES AND DIS-**
 9 **SEMINATION.**

10 (a) *ESTABLISHMENT.*—*There is established within the*
 11 *Academy an Office of Educational Resources and Dissemi-*
 12 *nation.*

13 (b) *DUTIES.*—*The Office of Educational Resources and*
 14 *Dissemination shall—*

15 (1) *disseminate information on scientifically*
 16 *valid research, statistics, and evaluation on education*
 17 *to the public, the media, voluntary organizations, and*
 18 *other constituencies, especially with respect to infor-*
 19 *mation relating to, at a minimum—*

20 (A) *the core academic areas of reading,*
 21 *mathematics, and science;*

22 (B) *closing the achievement gap between*
 23 *high-performing students and low-performing*
 24 *students;*

1 (C) educational practices that improve aca-
2 demic achievement and promote learning; and

3 (D) education technology, including soft-
4 ware;

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

8 (3) make such information accessible in a user-
9 friendly, timely, and efficient manner (including
10 through use of a searchable Internet web-based online
11 database) to schools, educators, parents, administra-
12 tors, policymakers, researchers, public and private en-
13 tities, entities responsible for carrying out technical
14 assistance through the Department, and the general
15 public.

16 (c) *ADDITIONAL DUTIES.*—In carrying out subsection
17 (b), the Office of Educational Resources and Dissemination
18 shall—

19 (1) ensure that information disseminated under
20 this section is provided in a cost-effective, nonduplica-
21 tive manner, including the most current research
22 findings, which may include through the continuation
23 of individual clearinghouses authorized under the
24 Educational Research, Development, Dissemination,
25 and Improvement Act of 1994 (title IX of the Goals

1 2000: *Educate America Act*; 20 U.S.C. 6001 et seq.)
2 (as such Act existed on the day before the date of en-
3 actment of this Act) or the clearinghouse authorized
4 under section 2102(b) of the *Elementary and Sec-*
5 *ondary Education Act of 1965* (as such section existed
6 on the day before the date of enactment of the *No*
7 *Child Left Behind Act of 2001* (Public Law 107–
8 110));

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

12 (3) clearly explain the scientifically appropriate
13 and inappropriate uses of—

14 (A) the findings that are disseminated; and

15 (B) the types of evidence used to support
16 those findings; and

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

22 (d) CONTINUATION.—The Director shall continue the
23 existing awards of the *Educational Resources Information*
24 *Center Clearinghouses* (established under section 941(f) of
25 the *Educational Research, Development, Dissemination,*

1 *and Improvement Act of 1994 (as such provision existed*
 2 *on the day before the date of enactment of this Act)) for*
 3 *the duration of those existing awards, in accordance with*
 4 *the terms and agreements of such awards.*

5 *(e) NATIONAL LIBRARY OF EDUCATION.—There is es-*
 6 *tablished within the Office of Educational Resources and*
 7 *Dissemination a National Library of Education that shall*
 8 *be headed by an individual who is highly qualified in li-*
 9 *brary science and shall collect and archive information, in-*
 10 *cluding products and publications developed through, or*
 11 *supported by, the Academy, and other relevant and useful*
 12 *education-related research, statistics, and evaluation and*
 13 *other information, projects, and publications that are con-*
 14 *sistent with scientifically valid research or the priorities*
 15 *and mission of the Academy and are developed by the De-*
 16 *partment, other Federal agencies, or entities (including en-*
 17 *tities supported under the Regional Educational Technical*
 18 *Assistance Act).*

19 **PART B—NATIONAL CENTER FOR**
 20 **EDUCATION RESEARCH**

21 **SEC. 131. ESTABLISHMENT.**

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

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

1 (1) to sponsor sustained research that will lead
2 to the accumulation of knowledge and understanding
3 of education, particularly to improve student aca-
4 demic achievement and close the achievement gap be-
5 tween high-performing and low-performing students,
6 including through the improvement of teaching and
7 learning of reading, writing, mathematics, science,
8 and other academic subjects;

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

11 (3) to promote quality and integrity through the
12 use of accepted practices of scientific inquiry to ob-
13 tain knowledge and understanding of the validity of
14 education theories, practices, or conditions; and

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

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

19 The Research Center shall be headed by a Commis-
20 sioner for Education Research (in this part referred to as
21 the “Research Commissioner”) who shall have substantial
22 knowledge of the activities of the Research Center, including
23 a high level of expertise in the fields of research and research
24 management.

1 **SEC. 133. DUTIES.**

2 (a) *GENERAL DUTIES.*—*The Research Commissioner*
3 *shall—*

4 (1) *maintain published peer-review standards*
5 *and standards for the conduct and evaluation of all*
6 *research and development carried out under the aus-*
7 *pices of the Research Center in accordance with this*
8 *part;*

9 (2) *propose to the Director a research plan*
10 *that—*

11 (A) *is consistent with the priorities and*
12 *mission of the Academy and the mission of the*
13 *Research Center and is based upon the activities*
14 *described in paragraph (3); and*

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

18 (3) *carry out specific, long-term research activi-*
19 *ties that are consistent with the priorities and mis-*
20 *sion of the Academy, and are approved by the Direc-*
21 *tor;*

22 (4) *implement the plan proposed under para-*
23 *graph (2) to carry out scientifically valid research*
24 *that—*

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

4 (B) meets the procedures for peer review es-
5 tablished by the Director under section 115(f)
6 and the standards of research described in sec-
7 tion 135; and

8 (C) includes both basic research and applied
9 research, which shall include research conducted
10 through field-initiated studies and may include
11 ongoing research initiatives;

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

15 (6) ensure that research conducted by the Re-
16 search Center is relevant to education practice and
17 policy;

18 (7) synthesize and disseminate, through the Of-
19 fice of Educational Resources and Dissemination, the
20 findings and results of education research conducted
21 or supported by the Research Center; and

22 (8) prepare and submit to the Director for ap-
23 proval an annual report, as described in section 134,
24 which shall be made available to the public through
25 such means as the Internet.

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

5 (c) *EVALUATIVE SUMMARIES OF RESEARCH PRIOR-*
 6 *ITIES.*—

7 (1) *IN GENERAL.*—*In addition to the duties de-*
 8 *scribed in subsection (a), the Research Commissioner*
 9 *shall oversee and support the conduct of evaluative*
 10 *summaries of the education priority areas of each of*
 11 *the national research and development centers (as de-*
 12 *finied in section 181). Such summaries—*

13 (A) *shall be completed not later than 1 year*
 14 *after the date of enactment of this Act; and*

15 (B) *shall be submitted to the Director and*
 16 *the Board to provide assistance on developing*
 17 *and implementing the research plan described in*
 18 *subsection (a)(2).*

19 (2) *PREVIOUS EVALUATIONS.*—*In carrying out*
 20 *this subsection, the Research Commissioner may use*
 21 *evaluations and assessments of a national research*
 22 *and development center completed before the date of*
 23 *enactment of this Act.*

24 (d) *EVALUATIVE SUMMARY.*—*Each evaluative sum-*
 25 *mary conducted under subsection (c) shall—*

1 (1) *include a detailed description of the findings*
2 *of the main research and development activities of the*
3 *national research and development centers;*

4 (2) *describe how such findings are consistent*
5 *with scientifically valid research; and*

6 (3) *describe the implications of such findings for*
7 *educational practice and school reform.*

8 (e) *NATIONAL RESEARCH AND DEVELOPMENT CEN-*
9 *TERS.—*

10 (1) *SUPPORT.—In carrying out activities under*
11 *subsection (a)(3), the Director, acting through the Re-*
12 *search Commissioner, shall support national research*
13 *and development centers.*

14 (2) *SCOPE.—Support for a national research*
15 *and development center shall be for a period of not*
16 *more than 5 years, shall be of sufficient size and scope*
17 *to be effective, and notwithstanding section 135(b),*
18 *may be renewed without competition for not more*
19 *than 5 additional years if the Director, in consulta-*
20 *tion with the Research Commissioner and the Board,*
21 *determines that the research of the national research*
22 *and development center—*

23 (A) *continues to address priorities of the*
24 *Academy; and*

1 (B) merits renewal (applying the procedures
2 and standards established in section 135).

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

7 (4) *CONTINUATION OF AWARDS.*—The Director,
8 acting through the Research Commissioner, shall con-
9 tinue awards made to the national research and de-
10 velopment centers in effect on the day before the date
11 of enactment of this Act in accordance with the terms
12 of those awards and may renew them in accordance
13 with paragraphs (2) and (3).

14 **SEC. 134. BIENNIAL REPORT.**

15 The Director shall, on a biennial basis, transmit to
16 the President, the Board, and the appropriate congressional
17 committees and make widely available to the public (includ-
18 ing by means of the Internet), a report containing the fol-
19 lowing:

20 (1) A description of the activities carried out by
21 and through the Research Center during the prior fis-
22 cal year.

23 (2) A detailed summary of each grant, contract,
24 and cooperative agreement in excess of \$100,000 fund-
25 ed during the prior fiscal year, including, at a min-

imum, the amount, duration, recipient, purpose, and goal of the award and its relationship to the priorities and mission of the Academy, the reports and publications produced, and an evaluation of the activities of the Research Center, which shall be available in a user-friendly electronic database.

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

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 135. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) *IN GENERAL.*—In carrying out this part, the Director, acting through the Research Commissioner, shall—

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

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Research Center to assure that such

1 *activities meet the highest standards of professional*
2 *excellence;*

3 (3) *review the procedures utilized by the Na-*
4 *tional Institutes of Health, the National Science*
5 *Foundation, and other Federal departments or agen-*
6 *cies engaged in research and development and ac-*
7 *tively solicit recommendations from research organi-*
8 *zations and members of the general public in the de-*
9 *velopment of the standards described in paragraph*
10 *(2); and*

11 (4) *ensure that all research complies with Fed-*
12 *eral guidelines relating to research misconduct.*

13 (b) *RESEARCH AWARDS.—*

14 (1) *IN GENERAL.—Research carried out under*
15 *this part through grants, contracts, or cooperative*
16 *agreements, at a minimum, shall—*

17 (A) *be awarded through a process of open*
18 *competition; and*

19 (B) *be subject to a system of peer review of*
20 *highly qualified individuals with an in-depth*
21 *knowledge of the subject to be investigated—*

22 (i) *for reviewing and evaluating all*
23 *applications for grants and cooperative*
24 *agreements and bids for contracts that ex-*
25 *ceed \$100,000; and*

1 (ii) for evaluating and assessing the
2 performance of all recipients of grants, co-
3 operative agreements, and contracts.

4 (2) *EVALUATION.*—The Director, acting through
5 the Research Commissioner, shall—

6 (A) develop the procedures to be used in
7 evaluating applications for research grants, co-
8 operative agreements, and contracts and specify
9 the criteria and factors which shall be considered
10 in making such evaluations; and

11 (B) evaluate the performance of each recipi-
12 ent of an award of a research grant, contract, or
13 cooperative agreement at the conclusion of the
14 award.

15 (c) *LONG-TERM RESEARCH.*—The Director, acting
16 through the Research Commissioner, shall assure that not
17 less than 50 percent of the funds made available for research
18 for each fiscal year shall be used to fund long-term research
19 programs of not less than 5 years, which support the prior-
20 ities and mission of the Academy and the mission of the
21 Research Center.

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

3 **SEC. 151. ESTABLISHMENT.**

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

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

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

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

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

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

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

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

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

1 *knowledge of statistical methodologies and activities under-*
 2 *taken by the Statistics Center.*

3 **SEC. 153. DUTIES.**

4 (a) *GENERAL DUTIES.*—*The duties of the Statistics*
 5 *Center are to collect, report, analyze, and disseminate sta-*
 6 *tistical data related to education in the United States and*
 7 *in other nations, including—*

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

14 (A) *successful State and local education re-*
 15 *form activities that result in increased academic*
 16 *achievement and narrowing of achievement gaps;*

17 (B) *student achievement in, at a minimum,*
 18 *the core academic areas of reading, math, and*
 19 *science at all levels of education;*

20 (C) *secondary school completions, dropouts,*
 21 *and adult literacy and reading skills;*

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

25 (E) *teaching, including—*

1 (i) data on professional development,
2 including a comparison of courses taken in
3 the core academic areas of reading, math,
4 and science with courses in noncore aca-
5 demic 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, in
11 each local educational agency and school;

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

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

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

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

24 (iii) the type of weapons used in inci-
25 dents, as classified in the Uniform Crime

1 *Reports of the Federal Bureau of Investiga-*
2 *tion;*

3 *(H) the financing and management of edu-*
4 *cation, including data on revenues and expendi-*
5 *tures;*

6 *(I) the social and economic status of chil-*
7 *dren, including their academic achievement;*

8 *(J) the existence and use of educational*
9 *technology and access to the Internet in elemen-*
10 *tary schools and secondary schools;*

11 *(K) educational access to, and opportunity*
12 *for, early childhood education; and*

13 *(L) the availability of, and access to, before-*
14 *school and after-school programs (including such*
15 *programs during school recesses);*

16 *(2) conducting and publishing reports on the*
17 *meaning and significance of the statistics described in*
18 *paragraph (1);*

19 *(3) collecting, analyzing, cross-tabulating, and*
20 *reporting, to the extent feasible, information by gen-*
21 *der, race, ethnicity, socioeconomic status, limited*
22 *English proficiency, mobility, and disability, when*
23 *such disaggregated information would facilitate edu-*
24 *cational and policy decisionmaking;*

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

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

11 (6) *conducting longitudinal and special data col-*
 12 *lections necessary to report on the condition and*
 13 *progress of education.*

14 (b) *TRAINING PROGRAM.—The Statistics Commis-*
 15 *sioner may establish a program to train employees of public*
 16 *and private educational agencies, organizations, and insti-*
 17 *tutions in the use of standard statistical procedures and*
 18 *concepts and may establish a fellowship program to appoint*
 19 *such employees as temporary fellows at the Statistics Center*
 20 *in order to assist the Statistics Center in carrying out its*
 21 *duties.*

22 **SEC. 154. PERFORMANCE OF DUTIES.**

23 (a) *GRANTS, CONTRACTS, AND COOPERATIVE AGREE-*
 24 *MENTS.—In carrying out the duties under this part, the*
 25 *Director, acting through the Statistics Commissioner, may*

1 *award grants, enter into contracts and cooperative agree-*
 2 *ments, and provide technical assistance.*

3 *(b) GATHERING INFORMATION.—*

4 *(1) SAMPLING.—The Statistics Commissioner*
 5 *may use the statistical method known as sampling*
 6 *(including random sampling) to carry out this part.*

7 *(2) SOURCE OF INFORMATION.—The Statistics*
 8 *Commissioner may, as appropriate, use information*
 9 *collected—*

10 *(A) from States, local educational agencies,*
 11 *public and private schools, preschools, institu-*
 12 *tions of postsecondary education, libraries, ad-*
 13 *ministrators, teachers, students, the general pub-*
 14 *lic, and other individuals, organizations, agen-*
 15 *cies, and institutions (including information col-*
 16 *lected by States and local educational agencies*
 17 *for their own use); and*

18 *(B) by other offices within the Academy and*
 19 *by other Federal departments, agencies, and in-*
 20 *strumentalities.*

21 *(3) COLLECTION.—The Statistics Commissioner*
 22 *may—*

23 *(A) enter into interagency agreements for*
 24 *the collection of statistics;*

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

3 (C) assign employees of the Statistics Center
4 to any such agency, organization, or institution
5 to assist in such collection.

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

10 (A) provide technical assistance to the De-
11 partment offices that gather data for statistical
12 purposes; and

13 (B) coordinate with other Department of-
14 fices in the collection of data.

15 **SEC. 155. REPORTS.**

16 (a) *PROCEDURES FOR ISSUANCE OF REPORTS.—The*
17 *Statistics Commissioner, in consultation with the Director,*
18 *shall establish procedures, in accordance with section 187,*
19 *to ensure that the reports issued under this section are rel-*
20 *evant, of high quality, useful to customers, subject to rig-*
21 *orous peer review, produced in a timely fashion, and free*
22 *from any partisan political influence.*

23 (b) *REPORT ON CONDITION AND PROGRESS OF EDU-*
24 *CATION.—Not later than June 1, 2002, and each succeeding*
25 *June 1 thereafter, the Director, acting through the Statistics*

1 *Commissioner, shall, with the approval of the Director, sub-*
 2 *mit to the President and the appropriate congressional com-*
 3 *mittees a statistical report on the condition and progress*
 4 *of education in the United States.*

5 (c) *STATISTICAL REPORTS.*—*The Statistics Commis-*
 6 *sioner shall issue regular and, as necessary (as determined*
 7 *by the Director, acting through the Statistics Commis-*
 8 *sioner), special statistical reports on education topics, par-*
 9 *ticularly in the core academic areas of reading, mathe-*
 10 *matics, and science, consistent with the priorities and mis-*
 11 *sion of the Academy and the mission of the Statistics Cen-*
 12 *ter.*

13 **SEC. 156. DISSEMINATION.**

14 (a) *GENERAL REQUESTS.*—

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

20 (2) *COMPILATIONS.*—*The Statistics Center shall*
 21 *provide State and local educational agencies opportu-*
 22 *nities to suggest the development of particular com-*
 23 *pilations of statistics, surveys, and analyses that*
 24 *would assist those educational agencies.*

1 (b) *CONGRESSIONAL REQUESTS.*—*The Statistics Cen-*
2 *ter shall furnish such special statistical compilations and*
3 *surveys as the relevant congressional committees may re-*
4 *quest.*

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

10 (d) *FEES.*—

11 (1) *IN GENERAL.*—*Statistical compilations and*
12 *surveys under this section, other than those carried*
13 *out pursuant to subsections (b) and (c), may be made*
14 *subject to the payment of the actual or estimated cost*
15 *of such work.*

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

22 (e) *ACCESS.*—

23 (1) *OTHER AGENCIES.*—*The Statistics Center*
24 *shall, consistent with section 184, cooperate with other*
25 *Federal agencies having a need for educational data*

1 *in providing access to educational data received by*
 2 *the Statistics Center.*

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

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

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

21 **SEC. 158. STATE DEFINED.**

22 *In this part, the term “State” means each of the 50*
 23 *States, the District of Columbia, and the Commonwealth*
 24 *of Puerto Rico.*

1 **PART D—NATIONAL CENTER FOR**
2 **EDUCATION EVALUATION**

3 **SEC. 171. ESTABLISHMENT.**

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

7 (b) *MISSION.*—*The mission of the Evaluation Center*
8 *shall be to conduct evaluations of Federal education pro-*
9 *grams administered by the Secretary (and as time and re-*
10 *sources allow, other education programs) to determine the*
11 *impact of such programs (particularly on student academic*
12 *achievement in the core academic areas of reading, math,*
13 *and science), to support synthesis and dissemination of re-*
14 *sults of evaluation research, and to encourage the use of sci-*
15 *entifically valid education evaluation throughout the*
16 *United States.*

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

18 (a) *IN GENERAL.*—*The Evaluation Center shall be*
19 *headed by a Commissioner for Education Evaluation (in*
20 *this part referred to as the “Evaluation Commissioner”)*
21 *who—*

22 (1) *shall possess a demonstrated capacity for sus-*
23 *tained productivity and leadership in education eval-*
24 *uation, and be technically competent in conducting*
25 *scientifically valid education evaluations; and*

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

7 (b) *GRANTS, CONTRACTS, AND COOPERATIVE AGREE-*
 8 *MENTS.—In carrying out the duties under this part, the*
 9 *Director, acting through the Evaluation Center, may award*
 10 *grants, enter into contracts and cooperative agreements,*
 11 *and provide technical assistance.*

12 **SEC. 173. DUTIES.**

13 (a) *GENERAL DUTIES.—*

14 (1) *IN GENERAL.—The Director, acting through*
 15 *the Evaluation Commissioner, shall—*

16 (A) *conduct or support evaluations con-*
 17 *sistent with the Center’s mission as described in*
 18 *section 171(b);*

19 (B) *evaluate programs under title I of the*
 20 *Elementary and Secondary Education Act of*
 21 *1965 (20 U.S.C. 6301 et seq.);*

22 (C) *coordinate the activities of the Evalua-*
 23 *tion Center with other evaluation activities in*
 24 *the Department;*

1 (D) submit to the President and the appro-
 2 priate congressional committees a report on the
 3 Evaluation Center's evaluation activities on an
 4 annual basis; and

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

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

15 (b) *ADMINISTRATION OF EVALUATIONS UNDER TITLE*
 16 *I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT*
 17 *OF 1965.*—The Director, acting through the Evaluation
 18 Commissioner, consistent with the mission of the Evalua-
 19 tion Center under section 171, shall administer all oper-
 20 ations and contracts associated with evaluations authorized
 21 by part E of title I of the Elementary and Secondary Edu-
 22 cation Act of 1965 (20 U.S.C. 6491 et seq.) and adminis-
 23 tered by the Department as of the date of enactment of this
 24 Act.

1 **PART E—GENERAL PROVISIONS**

2 **SEC. 181. DEFINITIONS.**

3 *In this title:*

4 (1) *The terms “elementary school”, “secondary*
5 *school”, “local educational agency”, and “State edu-*
6 *cational agency” have the meanings given those terms*
7 *in section 9101 of the Elementary and Secondary*
8 *Education Act of 1965 (20 U.S.C. 7801) and the*
9 *terms “freely associated states” and “outlying area”*
10 *have the meanings given those terms in section*
11 *1121(c) of such Act (20 U.S.C. 6331(c)).*

12 (2) *The term “Academy” means the Academy of*
13 *Education Sciences established under section 111.*

14 (3) *The term “applied research” means*
15 *research—*

16 (A) *to gain knowledge or understanding*
17 *necessary for determining the means by which a*
18 *recognized and specific need may be met; and*

19 (B) *that is specifically directed to the ad-*
20 *vancement of practice in the field of education.*

21 (4) *The term “basic research” means research—*

22 (A) *to gain fundamental knowledge or un-*
23 *derstanding of phenomena and observable facts,*
24 *without specific application toward processes or*
25 *products; and*

1 (B) for the advancement of knowledge in the
2 field of education.

3 (5) The term “Board” means the National Board
4 for Education Sciences established under section 117.

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

7 (7) The term “development” means the system-
8 atic use of knowledge or understanding gained from
9 the findings of scientifically valid research that may
10 prove useful in areas (such as the preparation of ma-
11 terials and new methods of instruction and practices
12 in teaching), that may lead to the improvement of the
13 academic skills of students, and that are replicable in
14 different educational settings.

15 (8) The term “Director” means the Director of
16 the Academy of Education Sciences.

17 (9) The term “dissemination” means the commu-
18 nication and transfer of the results of scientifically
19 valid research, statistics, and evaluations, in forms
20 that are understandable, easily accessible, and usable,
21 or adaptable for use in, the improvement of edu-
22 cational practice by teachers, administrators, librar-
23 ians, other practitioners, researchers, policymakers,
24 and the public, through the provision of technical as-
25 sistance, electronic transfer, and other means.

1 (10) *The term “field-initiated research” means*
2 *basic research or applied research in which specific*
3 *questions and methods of study are generated by in-*
4 *vestigators (including teachers and other practi-*
5 *tioners) and that conforms to standards of scientif-*
6 *ically valid research.*

7 (11) *The term “institution of higher education”*
8 *has the meaning given that term in section 101(a) of*
9 *the Higher Education Act of 1965 (20 U.S.C.*
10 *1001(a)).*

11 (12) *The term “national research and develop-*
12 *ment center” means a research and development cen-*
13 *ter under section 931(c)(1)(B) of the Education Re-*
14 *search, Development, Dissemination, and Improve-*
15 *ment Act of 1994 (20 U.S.C. 6031(c)(1)(B)) (as such*
16 *provision existed on the day before the date of enact-*
17 *ment of this Act).*

18 (13)(A) *The term “scientifically based research*
19 *standards” means research standards that—*

20 *(i) apply rigorous, systematic, and objective*
21 *methodology to obtain reliable and valid knowl-*
22 *edge relevant to education activities and pro-*
23 *grams; and*

1 (ii) present findings and make claims that
2 are appropriate to and supported by the methods
3 that have been employed.

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

6 (i) employing systematic, empirical methods
7 that draw on observation or experiment;

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

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

12 (iv) making claims of causal relationships
13 only in random assignment experiments or other
14 designs (to the extent such designs substantially
15 eliminate plausible competing explanations for
16 the obtained results);

17 (v) ensuring that studies and methods are
18 presented in sufficient detail and clarity to allow
19 for replication or, at a minimum, to offer the op-
20 portunity to build systematically on the findings
21 of the research;

22 (vi) obtaining acceptance by a peer-re-
23 viewed journal or approval by a panel of inde-
24 pendent experts through a comparably rigorous,
25 objective, and scientific review; and

1 (vii) using research designs and methods
2 appropriate to the research question posed.

3 (14) The term “scientifically valid education
4 evaluation” means an evaluation that—

5 (A) adheres to the highest possible standards
6 of quality with respect to research design and
7 statistical analysis;

8 (B) provides an adequate description of the
9 programs evaluated and, to the extent possible,
10 examines the relationship between program im-
11 plementation and program impacts;

12 (C) provides an analysis of the results
13 achieved by the program with respect to its pro-
14 jected effects;

15 (D) employs experimental designs using
16 random assignment, when feasible, and other re-
17 search methodologies that allow for the strongest
18 possible causal inferences when random assign-
19 ment is not feasible; and

20 (E) may study program implementation
21 through a combination of scientifically valid and
22 reliable methods.

23 (15) The term “scientifically valid research” in-
24 cludes applied research, basic research, and field-ini-
25 tiated research in which the rationale, design, and in-

1 *terpretation are soundly developed in accordance with*
2 *scientifically based research standards.*

3 (16) *The term “Secretary” means the Secretary*
4 *of Education.*

5 (17) *The term “State” includes (except as pro-*
6 *vided in section 158 and in the National Assessment*
7 *of Educational Progress Authorization Act) each of*
8 *the 50 States, the District of Columbia, the Common-*
9 *wealth of Puerto Rico, the freely associated states, and*
10 *the outlying areas.*

11 (18) *The term “technical assistance” means—*

12 (A) *assistance in identifying, selecting, or*
13 *designing solutions (including professional devel-*
14 *opment and training to implement such solu-*
15 *tions) leading to—*

16 (i) *improved educational practices and*
17 *classroom instruction based on scientifically*
18 *valid research; and*

19 (ii) *improved planning, design, and*
20 *administration of programs;*

21 (B) *assistance in interpreting, analyzing,*
22 *and utilizing statistics and evaluations; and*

23 (C) *other assistance necessary to encourage*
24 *the adoption or application of scientifically valid*
25 *research.*

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

2 *The Secretary, in consultation with the Director, shall*
 3 *ensure that the Department and the Academy use common*
 4 *sources of data in standardized formats.*

5 **SEC. 183. PROHIBITIONS.**

6 *(a) NATIONAL DATABASE.—Nothing in this title may*
 7 *be construed to authorize the development of a nationwide*
 8 *database of individually identifiable information on indi-*
 9 *viduals involved in studies or other collections of data under*
 10 *this title.*

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

19 *(c) ENDORSEMENT OF CURRICULUM.—Notwith-*
 20 *standing any other provision of Federal law, no funds pro-*
 21 *vided under this title to the Academy, including any office,*
 22 *board, committee, or center of the Academy, may be used*
 23 *by the Academy to endorse, approve, or sanction any cur-*
 24 *riculum designed to be used in an elementary school or sec-*
 25 *ondary school.*

26 *(d) FEDERALLY SPONSORED TESTING.—*

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

8 (2) *EXCEPTIONS.*—Subsection (a) shall not
 9 apply to international comparative assessments devel-
 10 oped under the authority of section 153(a)(5) of this
 11 title or section 404(a)(6) of the National Education
 12 Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such
 13 section existed on the day before the date of enactment
 14 of this Act) and administered to only a representative
 15 sample of pupils in the United States and in foreign
 16 nations.

17 **SEC. 184. CONFIDENTIALITY.**

18 (a) *IN GENERAL.*—All collection, maintenance, use,
 19 and dissemination of data by the Academy, including each
 20 office, board, committee, and center of the Academy, shall
 21 conform with the requirements of section 552a of title 5,
 22 United States Code, the confidentiality standards of sub-
 23 section (c) of this section, and sections 444 and 445 of the
 24 General Education Provisions Act (20 U.S.C. 1232g,
 25 1232h).

1 (b) *STUDENT INFORMATION.*—*The Director shall en-*
 2 *sure that all individually identifiable information about*
 3 *students, their academic achievements, and their families,*
 4 *and information with respect to individual schools, remains*
 5 *confidential in accordance with section 552a of title 5,*
 6 *United States Code, subsection (c) of this section, and sec-*
 7 *tions 444 and 445 of the General Education Provisions Act*
 8 *(20 U.S.C. 1232g, 1232h).*

9 **SEC. 185. AVAILABILITY OF DATA.**

10 *Subject to section 184, data collected by the Academy,*
 11 *including any office, board, committee, or center of the*
 12 *Academy, in carrying out the priorities and mission of the*
 13 *Academy, shall be made available to the public, including*
 14 *through use of the Internet.*

15 **SEC. 186. PERFORMANCE MANAGEMENT.**

16 *The Director shall ensure that all activities conducted*
 17 *or supported by the Academy or a National Education Cen-*
 18 *ter make customer service a priority. The Director shall en-*
 19 *sure a high level of customer satisfaction through the fol-*
 20 *lowing methods:*

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

23 (2) *Disseminating information in a timely fash-*
 24 *ion and in formats that are easily accessible and usa-*

1 *ble by researchers, practitioners, and the general pub-*
 2 *lic.*

3 *(3) Utilizing the most modern technology and*
 4 *other methods available, including arrangements to*
 5 *use data collected electronically by States and local*
 6 *educational agencies, to ensure the efficient collection*
 7 *and timely distribution of information, including*
 8 *data and reports.*

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

12 *(5) Continuously improving management strate-*
 13 *gies and practices.*

14 *(6) Making information available to the public*
 15 *in an expeditious fashion.*

16 **SEC. 187. AUTHORITY TO PUBLISH.**

17 *(a) PUBLICATION.—*

18 *(1) IN GENERAL.—The Academy, including each*
 19 *office, board, committee, and center of the Academy,*
 20 *may prepare, publish, and present (including through*
 21 *oral presentations) such research-based information*
 22 *and research reports as needed to carry out the prior-*
 23 *ities and mission of the Academy, without clearance*
 24 *or approval for such preparation and publication by*
 25 *the Secretary or any other officer of the Department.*

1 (2) *PROHIBITION OF REVIEW.*—No report issued
 2 by the Academy, including any office, board, com-
 3 mittee, or center within the Academy, shall be subject
 4 to review by a Federal office or agency outside of the
 5 Academy.

6 (b) *PEER REVIEW.*—All published research, statistics,
 7 and evaluation reports conducted by or supported through
 8 the Academy, shall be subjected to rigorous peer review be-
 9 fore being published or otherwise made available and shall
 10 include the names of the peer reviewers.

11 (c) *ADVANCE COPIES.*—The Academy shall provide the
 12 Director and Secretary an advance copy of any information
 13 to be published, at least 30 days before the publication.

14 **SEC. 188. VACANCIES.**

15 Any member appointed to fill a vacancy on the Board
 16 occurring before the expiration of the term for which the
 17 member's predecessor was appointed shall be appointed only
 18 for the remainder of that term. A vacancy in an office,
 19 board, committee, or center of the Academy shall be filled
 20 in the manner in which the original appointment was
 21 made. This section does not apply to employees appointed
 22 under section 189.

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

24 (a) *APPOINTMENT AND PAY.*—The Director may ap-
 25 point for limited periods of time and fix the pay of certain

1 *scientific or technical employees to carry out the functions*
2 *of the Academy or the office, board, committee, or center,*
3 *respectively, without regard to the provisions of title 5,*
4 *United States Code, governing appointments in the com-*
5 *petitive service, and the provisions of chapter 51 and sub-*
6 *chapter III of chapter 53 of such title relating to classifica-*
7 *tion and General Schedule pay rates, provided that—*

8 *(1) at least 30 days before the appointment of*
9 *any employee under this subsection, the Director shall*
10 *give public notice of the availability of such position*
11 *and shall provide an opportunity for qualified indi-*
12 *viduals to apply and compete for the position; and*

13 *(2) the Director may not appoint an employee*
14 *under this subsection unless the employee is necessary*
15 *to provide the Academy with scientific or technical*
16 *expertise that could not otherwise be obtained by the*
17 *Academy through the competitive service and such ne-*
18 *cessity can be justified in a clear and convincing*
19 *fashion.*

20 *(b) MAXIMUM NUMBER.—Employees appointed under*
21 *this section and employed at the Academy at any particular*
22 *time shall not exceed the greater of 20 percent of the total*
23 *employees of the Academy or a total of 60 individuals.*

24 *(c) MAXIMUM PAY RATE.—An employee appointed*
25 *under this section may not be paid at a rate that exceeds*

1 *the rate of basic pay for level V of the Executive Schedule,*
 2 *except that not more than 10 individuals appointed under*
 3 *this section may not be paid at a rate that exceeds the rate*
 4 *of basic pay for level IV of the Executive Schedule.*

5 (d) *TERMS.—An employee appointed under this sec-*
 6 *tion may serve not longer than 6 years.*

7 **SEC. 190. VOLUNTARY SERVICE.**

8 *The Secretary, acting through the Director, may accept*
 9 *voluntary and uncompensated services to carry out and*
 10 *support activities that are consistent with the priorities and*
 11 *mission of the Academy.*

12 **SEC. 191. FELLOWSHIPS.**

13 *In order to strengthen the national capacity to carry*
 14 *out high-quality research, evaluation, and statistics related*
 15 *to education, the Director shall establish and maintain re-*
 16 *search, evaluation, and statistics fellowships in the Acad-*
 17 *emy and institutions of higher education (which may in-*
 18 *clude the establishment of such fellowships in historically*
 19 *black colleges and universities and other institutions of*
 20 *higher education with large numbers of minority students)*
 21 *that support graduate and postdoctoral study, particularly*
 22 *for women and minorities, with such stipends and allow-*
 23 *ances (including travel and subsistence expenses) as the Di-*
 24 *rector may determine necessary to obtain the assistance of*
 25 *highly qualified research, evaluation, and statistics fellows.*

1 **SEC. 192. RULEMAKING.**

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

7 **SEC. 193. AUTHORIZATION OF APPROPRIATIONS.**

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

12 *(1) no less than the amount provided to the Na-*
 13 *tional Center for Education Statistics (as such Center*
 14 *was in existence on the day before the date of the en-*
 15 *actment of this Act) for fiscal year 2002 shall be pro-*
 16 *vided to the National Center for Education Statistics,*
 17 *as authorized under part C; and*

18 *(2) the lesser of 2 percent of such funds or*
 19 *\$1,000,000 shall be made available to carry out sec-*
 20 *tion 117 (relating to the National Board for Edu-*
 21 *cation Sciences).*

22 *(b) AVAILABILITY.—Amounts made available under*
 23 *this section shall remain available until expended.*

1 **TITLE II—REGIONAL EDU-**
 2 **CATIONAL APPLIED RE-**
 3 **SEARCH AND TECHNICAL AS-**
 4 **SISTANCE**

5 **SEC. 201. SHORT TITLE.**

6 *This title may be cited as the “Regional Assistance Act*
 7 *of 2002”.*

8 **SEC. 202. TABLE OF CONTENTS.**

9 *The table of contents for this title is as follows:*

Sec. 201. Short title.

Sec. 202. Table of contents.

Sec. 203. Regional educational applied research and technical assistance entities.

Sec. 204. Regional advisory committees.

Sec. 205. Grants.

Sec. 206. Regional entity boards.

Sec. 207. Public input.

Sec. 208. Priorities and evaluations.

Sec. 209. Authorization of appropriations.

Sec. 210. General provisions.

10 **SEC. 203. REGIONAL EDUCATIONAL APPLIED RESEARCH**
 11 **AND TECHNICAL ASSISTANCE ENTITIES.**

12 *(a) ESTABLISHMENT.—The Secretary, through grants,*
 13 *contracts, or cooperative agreements, shall establish and*
 14 *oversee a system of regional educational applied research*
 15 *and technical assistance entities (in this title referred to*
 16 *as “regional entities”) to provide applied research, dissemi-*
 17 *nation, training, technical assistance, and development ac-*
 18 *tivities related to the administration and implementation*
 19 *of Federal education programs and other regional education*
 20 *needs to States, local educational agencies, schools, Indian*

1 *tribes, community-based organizations, and other appro-*
2 *priate entities.*

3 (b) *REGIONS.*—*In establishing geographical regions to*
4 *be served by the regional entities, the Secretary shall serve*
5 *the same geographical regions as served by the regional edu-*
6 *cational laboratories established under section 941(h) of the*
7 *Educational Research, Development, Dissemination, and*
8 *Improvement Act of 1994 (as such provision existed on the*
9 *day before the date of enactment of this Act). The Secretary*
10 *shall support at least two regional entities in each region,*
11 *and shall allocate to each region for each fiscal year an*
12 *amount of funds comparable to the amount of funds award-*
13 *ed to serve the needs of that region under prior regional*
14 *assistance programs under section 3141 and parts A and*
15 *C of title XIII of the Elementary and Secondary Education*
16 *Act of 1965 (as such provisions existed on the day before*
17 *the date of enactment of the No Child Left Behind Act of*
18 *2001 (Public Law 107–110)) and the Educational Re-*
19 *search, Development, Dissemination, and Improvement Act*
20 *of 1994 (as such Act existed on the day before the date of*
21 *enactment of this Act).*

22 (c) *TECHNICAL ASSISTANCE, APPLIED RESEARCH,*
23 *DEVELOPMENT, AND DISSEMINATION.*—*The Secretary shall*
24 *support applied research, development, dissemination, and*

1 *technical assistance and reform initiatives, which, at a*
2 *minimum, shall include the following:*

3 (1) *Training and technical assistance to State*
4 *educational agencies, local educational agencies,*
5 *schools, public charter schools, Indian tribes, commu-*
6 *nity-based organizations, and other appropriate enti-*
7 *ties, regarding, at a minimum—*

8 (A) *the administration and implementation*
9 *of programs under the Elementary and Sec-*
10 *ondary Education Act of 1965 (20 U.S.C. 6301*
11 *et seq.);*

12 (B) *scientifically valid research in edu-*
13 *cation on teaching methods and assessment tools*
14 *for use by teachers and administrators in, at a*
15 *minimum—*

16 (i) *the core academic areas of mathe-*
17 *matics, science, and reading; and*

18 (ii) *education technology; and*

19 (C) *the facilitation of communication be-*
20 *tween education experts, school officials and*
21 *teachers, parents, and librarians, as appropriate.*

22 (2) *The dissemination and provision of scientif-*
23 *ically valid research, information, reports, and publi-*
24 *cations that are usable for improving academic*

1 *achievement, narrowing achievement gaps, and en-*
 2 *couraging and sustaining school improvement, to—*

3 *(A) schools, educators, parents, and policy-*
 4 *makers within the applicable region in which the*
 5 *entity is located; and*

6 *(B) the Office of Educational Resources and*
 7 *Dissemination.*

8 *(3) Applied research projects designed to serve*
 9 *the particular needs of the region if quality applied*
 10 *research does not exist based on the regional advisory*
 11 *committee's plan under section 204(c), and that re-*
 12 *flects findings from scientifically valid research and*
 13 *results in user-friendly, replicable, classroom applica-*
 14 *tions geared toward promoting increased student*
 15 *achievement.*

16 *(4) The use of applied research to assist in solv-*
 17 *ing site-specific problems, to assist in development ac-*
 18 *tivities, and to contribute to the current base of edu-*
 19 *cation knowledge by addressing enduring problems in*
 20 *elementary and secondary education.*

21 *(d) AUTHORITY.—*

22 *(1) IN GENERAL.—To carry out the activities de-*
 23 *scribed in subsection (c), the Secretary shall—*

24 *(A) enter into contracts with at least two*
 25 *regional entities for each region described in sub-*

1 *section (b), on a competitive basis, for a 5-year*
2 *period, to provide services under this title, and*
3 *of such entities—*

4 *(i) the primary duties of at least one*
5 *regional entity for each region shall include*
6 *those described in subsections (c)(3) and*
7 *(c)(4);*

8 *(ii) the primary duties of at least one*
9 *regional entity for each region shall include*
10 *those described in subsection (c)(1); and*

11 *(iii) at least one of the regional entities*
12 *described in clauses (i) and (ii) shall be a*
13 *nonprofit entity; and*

14 *(B) provide contracts of not more than a 5-*
15 *year period, each of which shall be on a competi-*
16 *tive basis, with private or public, for profit or*
17 *nonprofit, research organizations, institutions,*
18 *agencies, institutions of higher education, or*
19 *partnerships among such entities, or individuals,*
20 *with the demonstrated ability or capacity to*
21 *carry out the activities described in subsection*
22 *(c), which may include regional entities that car-*
23 *ried out activities under the Educational Re-*
24 *search, Development, Dissemination, and Im-*
25 *provement Act of 1994 (20 U.S.C. 5801 et seq.)*

1 *(as such Act existed on the day before the date*
2 *of enactment of this Act) and title XIII of the*
3 *Elementary and Secondary Education Act of*
4 *1965 (as such title existed on the day before the*
5 *date of enactment of the No Child Left Behind*
6 *Act of 2001 (Public Law 107–110)).*

7 (2) *APPLICATION.—Each regional entity seeking*
8 *a contract under this subsection shall submit an ap-*
9 *plication at such time, in such manner, and con-*
10 *taining such additional information as the Secretary*
11 *may reasonably require. Each such application*
12 *shall—*

13 (A) *cover not less than a 5-year period; and*

14 (B) *describe how the applicant will carry*
15 *out the activities described in subsection (c).*

16 (3) *OBJECTIVES AND INDICATORS.—Before enter-*
17 *ing into a contract under this subsection, the Sec-*
18 *retary shall design specific objectives and measurable*
19 *indicators to be used to assess the particular program*
20 *or initiatives and ongoing progress and performance*
21 *of regional entities to ensure the needs of the region*
22 *are being met and that the latest and best research*
23 *and proven practices are being carried out as part of*
24 *school improvement efforts.*

1 (e) *COORDINATION.*—*In order to assure coordination*
2 *and prevent unnecessary duplication of activities among*
3 *the regions, the Secretary shall—*

4 (1) *share information about the activities of each*
5 *regional entity with each other regional entity and*
6 *with the Department, including the Director of the*
7 *Academy of Education Sciences and the National*
8 *Board for Education Sciences;*

9 (2) *create a strategic plan for the development of*
10 *activities undertaken by the each regional entity to*
11 *increase collaboration and resource-sharing in such*
12 *activities;*

13 (3) *where appropriate, employ methods through*
14 *which the activities undertaken by each of the re-*
15 *gional entities also serves national interests; and*

16 (4) *assure that each of the entities funded under*
17 *this section coordinate their activities with each other.*

18 (f) *CONTINUATION.*—*In order to carry out the purpose*
19 *of this title and facilitate the transition to regional entities,*
20 *the Secretary—*

21 (1) *shall continue the existing awards of the re-*
22 *gional educational laboratories established under sec-*
23 *tion 941(h) of the Educational Research, Develop-*
24 *ment, Dissemination, and Improvement Act of 1994*
25 *(as such provision existed on the day before the date*

1 of enactment of this Act), the Eisenhower Regional
 2 Mathematics and Science Education Consortia estab-
 3 lished under part M of such Act (as such part existed
 4 on the day before the date of enactment of this Act),
 5 and the Regional Technology in Education Consortia
 6 for the duration of those existing awards in accord-
 7 ance with the terms and agreements of such awards;
 8 and

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

15 **SEC. 204. REGIONAL ADVISORY COMMITTEES.**

16 (a) *ESTABLISHMENT AND MEMBERSHIP.*—

17 (1) *IN GENERAL.*—The Secretary shall support,
 18 through grants awarded under section 205, a regional
 19 advisory committee in each region referred to in sec-
 20 tion 203(b). Each such committee shall be established
 21 by the Governors, in consultation with the chief State
 22 school officers, in such region. The membership of
 23 such a committee shall not exceed 25 members, shall
 24 represent a balanced representation of States in the
 25 region, and shall consist of the following individuals:

1 (A) *Not more than one representative of*
2 *each State educational agency geographically lo-*
3 *cated in the region.*

4 (B) *Representatives of local educational*
5 *agencies, who shall be selected jointly by the Gov-*
6 *ernors and the chief State school officers in such*
7 *States represented by such region and shall in-*
8 *clude representatives of urban and rural areas.*

9 (C) *Representatives of institutions of higher*
10 *education, including individuals representing*
11 *university-based education research, and univer-*
12 *sity-based research other than education, who*
13 *shall be selected jointly by the Governors and the*
14 *chief State school officers in such States rep-*
15 *resented by such region.*

16 (D) *Parents, who shall be selected jointly by*
17 *the Governors and the chief State school officers*
18 *in such States represented by such region.*

19 (E) *Practicing educators, including class-*
20 *room teachers, principals, administrators, school*
21 *board members, and other local school officials,*
22 *who shall be selected jointly by the Governors*
23 *and the chief State school officers in such States*
24 *represented by such region.*

1 (F) *Representatives of business, who shall be*
2 *selected jointly by the Governors and the chief*
3 *State school officers in such States represented by*
4 *such region.*

5 (G) *Researchers, who shall be selected joint-*
6 *ly by the Governors and the chief State school of-*
7 *ficers in such States represented by such region.*

8 (2) *SPECIAL RULE.—The number of members on*
9 *each such committee selected under subparagraphs*
10 *(B), (D), and (E) of paragraph (1), collectively, shall*
11 *total more than those selected under subparagraphs*
12 *(A), (C), (F), and (G) of such paragraph, collectively.*

13 (b) *AUTHORITY.—Each regional advisory committee*
14 *shall have the authority to accept gifts, in-kind contribu-*
15 *tions, services, or other assistance to facilitate the commit-*
16 *tee's activities.*

17 (c) *PLAN.—Each regional advisory committee shall—*

18 (1) *develop a 5-year plan for serving the needs*
19 *of all States and, to the extent practicable, local needs*
20 *within the region by conducting a survey of the edu-*
21 *cational needs, strengths, and weaknesses within the*
22 *region, including a process of open hearings to solicit*
23 *the views and needs of schools, public charter schools,*
24 *teachers, administrators, parents, local educational*

1 *agencies, librarians, businesses, State educational*
 2 *agencies, and other customers within the region; and*

3 *(2) submit the plan to the Secretary, at such*
 4 *time, in such manner, and containing such informa-*
 5 *tion as the Secretary may require, and to the Director*
 6 *of the Academy of Education Sciences, to assist in*
 7 *making decisions regarding the priorities under sec-*
 8 *tion 116 of the Education Sciences Reform Act of*
 9 *2002 and the priorities described under section*
 10 *208(a).*

11 **SEC. 205. GRANTS.**

12 *(a) AUTHORITY.—In order to support the activities of*
 13 *the regional advisory committees established under section*
 14 *204 (including conducting the survey of regional needs de-*
 15 *scribed in section 204(c)(1)), the Secretary shall make a*
 16 *grant to an entity within each region that is approved by*
 17 *the Governor and the chief State school officer of each State*
 18 *within the region. A grant under this subsection shall not*
 19 *exceed \$150,000 and shall not exceed 1 year in duration.*

20 *(b) APPLICATION.—In order to receive a grant under*
 21 *subsection (a), the entity applying on behalf of the regional*
 22 *advisory committee shall submit to the Secretary for ap-*
 23 *proval an application that contains—*

1 (1) *documentary evidence of the entity’s ap-*
 2 *proval by the Governor and chief State school officer*
 3 *of each State within the region;*

4 (2) *an assurance that the regional advisory com-*
 5 *mittee will comply with the requirements of section*
 6 *204; and*

7 (3) *such other information as the Secretary may*
 8 *reasonably require.*

9 (c) *SUBSEQUENT GRANTS.—The Secretary shall make*
 10 *grants subsequent to those made under subsection (a) on*
 11 *a timely basis, in order to ensure the preparation and sub-*
 12 *mission of a second 5-year plan.*

13 **SEC. 206. REGIONAL ENTITY BOARDS.**

14 (a) *COMPOSITION.—The regional entities described in*
 15 *section 203(d)(1)(A) shall be governed by a board (in this*
 16 *title referred to as a “regional entity board”) composed of—*

17 (1) *the chief State school officers (or other State*
 18 *officials in each State served by the regional entity*
 19 *who have primary responsibility under State law for*
 20 *elementary and secondary education in the State), or*
 21 *their designees, in the region served by the regional*
 22 *entity; and*

23 (2) *not more than 20 other members who are*
 24 *representative of the educational interests in the re-*
 25 *gion served by the regional entity and are selected*

1 *jointly by the officials specified in paragraph (1) and*
2 *the Governors of each State within the region,*
3 *including—*

4 *(A) representatives of local educational*
5 *agencies, including representatives of urban and*
6 *rural areas;*

7 *(B) representatives of institutions of higher*
8 *education;*

9 *(C) parents;*

10 *(D) practicing educators, including class-*
11 *room teachers, principals, and administrators;*

12 *(E) representatives of business; and*

13 *(F) policymakers, expert practitioners, and*
14 *researchers with knowledge of, and experience*
15 *using, the results of research, evaluation, and*
16 *statistics.*

17 *(b) PLAN.—Each regional entity board shall develop*
18 *and submit to the Secretary for approval a plan that ad-*
19 *resses the needs identified by the appropriate regional ad-*
20 *visory committee under section 204(c)(1). Such plan shall*
21 *be submitted in a manner and form, and containing such*
22 *information, as the Secretary may require. Such plan shall*
23 *be developed to guide the regional entities in carrying out*
24 *this section and satisfying the terms and conditions of the*

1 *contract awards, and to assist in making decisions regard-*
2 *ing the national priorities within education research.*

3 *(c) DUTIES.—Each regional entity board shall—*

4 *(1) be the sole entity that guides and directs the*
5 *regional entities in carrying out this title, satisfying*
6 *the terms and conditions of the contract award, and*
7 *determining the regional agenda and mission of such*
8 *entities;*

9 *(2) ensure that the regional entities attain and*
10 *maintain a high level of quality of work;*

11 *(3) establish standards to ensure that the re-*
12 *gional entities have strong and effective governance,*
13 *organization, management, and administration, and*
14 *employ qualified staff;*

15 *(4) direct the regional entities to carry out their*
16 *duties in a manner that will make progress toward*
17 *reforming schools and educational systems;*

18 *(5) coordinate its activities, collaborate, and reg-*
19 *ularly exchange information with the Secretary, the*
20 *Director of the Academy of Education Sciences, the*
21 *Office of Educational Resources and Dissemination of*
22 *the Academy, and other appropriate entities includ-*
23 *ing educational service agencies as described in the*
24 *No Child Left Behind Act of 2001 (Public Law 107–*
25 *110);*

1 (6) *direct the regional entities resources to and*
2 *within each State in a manner that reflects the need*
3 *for assistance, taking into account factors such as the*
4 *proportion of economically disadvantaged students,*
5 *the cost burden in areas of sparse populations; and*

6 (7) *give priority to—*

7 (A) *schools with high percentages or num-*
8 *bers of students from low-income families, as de-*
9 *termined under section 1113(a)(5) of the Ele-*
10 *mentary and Secondary Education Act of 1965*
11 *(20 U.S.C. 6313(a)(5)), including such schools in*
12 *rural and urban areas, and schools participating*
13 *in schoolwide programs under title I of the Ele-*
14 *mentary and Secondary Education Act of 1965*
15 *(20 U.S.C. 6301 et seq.);*

16 (B) *local educational agencies in which high*
17 *percentages or numbers of school age children are*
18 *from low-income families, as determined under*
19 *section 1124(c)(1)(A) of the Elementary and Sec-*
20 *ondary Education Act of 1965 (20 U.S.C.*
21 *6333(c)(1)(A)), including such local educational*
22 *agencies in rural and urban areas; and*

23 (C) *schools that have been identified for*
24 *school improvement under section 1116 of the El-*

1 *ementary and Secondary Education Act of 1965*
2 *(20 U.S.C. 6316).*

3 *(d) GIFTS.—Each regional entity board shall have the*
4 *authority to accept gifts, in-kind contributions, services, or*
5 *other assistance to facilitate its activities.*

6 **SEC. 207. PUBLIC INPUT.**

7 *Before entering into a contract under this title, the*
8 *Secretary shall seek input from Governors, chief State*
9 *school officers, educators, and parents regarding the need*
10 *for applied research, dissemination, training, technical as-*
11 *sistance, and development activities authorized by this title*
12 *in the States to be served and how those needs would be*
13 *addressed most effectively.*

14 **SEC. 208. PRIORITIES AND EVALUATIONS.**

15 *(a) PRIORITIES.—The Secretary may establish annual*
16 *priorities for the regional entities.*

17 *(b) EVALUATIONS.—The Secretary shall provide for*
18 *ongoing independent evaluations of the regional entities re-*
19 *ceiving grants, contracts, or cooperative agreements in car-*
20 *rying out the duties under this title, the results of which*
21 *shall be transmitted to the appropriate congressional com-*
22 *mittees and the Director of the Academy of Education*
23 *Sciences. Such evaluation shall include an analysis of the*
24 *services provided under this title, the extent to which the*
25 *regional entities have met the objectives of the plans sub-*

mitted under sections 204(c) and 206(b), and whether such services have met the needs of State educational agencies and local educational agencies and schools in the region, including those local educational agencies and schools described under section 206(c)(7).

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

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

(b) *LIMITATION.*—Not more than 2.5 percent of the funds appropriated under subsection (a) for a fiscal year may be used for the evaluations required under section 208.

SEC. 210. GENERAL PROVISIONS.

Part E of the Education Sciences Reform Act of 2002 applies to this title, as appropriate, except that any responsibilities assigned solely to the Director of the Academy of Education Sciences shall be the responsibility of the Secretary.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

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

1 **SEC. 302. STATE DEFINED.**

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

5 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) *IN GENERAL.*—*There are authorized to be*
 7 *appropriated—*

8 (1) *for fiscal year 2003—*

9 (A) *\$4,600,000 to carry out section 302 (re-*
 10 *lating to the National Assessment Governing*
 11 *Board); and*

12 (B) *\$107,500,000 to carry out section 303*
 13 *(relating to the National Assessment of Edu-*
 14 *cational Progress); and*

15 (2) *such sums as may be necessary for each of*
 16 *the 5 succeeding fiscal years to carry out sections 302*
 17 *and 303.*

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

20 **TITLE IV—AMENDATORY**
 21 **PROVISIONS**

22 **SEC. 401. REDESIGNATIONS.**

23 (a) *CONFIDENTIALITY.*—*Section 408 of the National*
 24 *Education Statistics Act of 1994 (20 U.S.C. 9007) is*
 25 *amended—*

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

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

7 (3) *so that paragraph (1) of subsection (b) reads*
8 *as follows:*

9 “(1) *IN GENERAL.—*

10 “(A) *DISCLOSURE.—No Federal depart-*
11 *ment, bureau, agency, officer, or employee and*
12 *no recipient of a Federal grant, contract, or co-*
13 *operative agreement may, for any reason, require*
14 *the Director, any Commissioner of a National*
15 *Education Center, or any other employee of the*
16 *Academy to disclose individually identifiable in-*
17 *formation that has been collected or retained*
18 *under this title.*

19 “(B) *IMMUNITY.—Individually identifiable*
20 *information collected or retained under this title*
21 *shall be immune from legal process and shall*
22 *not, without the consent of the individual con-*
23 *cerned, be admitted as evidence or used for any*
24 *purpose in any action, suit, or other judicial or*
25 *administrative proceeding.*

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

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

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

11 *(6) by striking the section heading and transfer-*
 12 *ring all the subsections (including subsections (a)*
 13 *through (c)) and redesignating such subsections as*
 14 *subsections (c) through (e), respectively, at the end of*
 15 *section 184 of this Act.*

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

19 *(c) NATIONAL ASSESSMENT GOVERNING BOARD.*—*Sec-*
 20 *tion 412 of the National Education Statistics Act of 1994*
 21 *(20 U.S.C. 9011) is amended—*

22 *(1) in subsection (a), by striking “referred to as*
 23 *the ‘Board’” and inserting “referred to as the ‘Assess-*
 24 *ment Board’ ”;*

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

4 (3) *by striking “Commissioner” each place such*
 5 *term appears and inserting “Commissioner for Edu-*
 6 *cation Statistics”;*

7 (4) *in subsection (a) by inserting “(carried out*
 8 *under section 303)” after “for the National Assess-*
 9 *ment”;*

10 (5) *in subsection (b)(2)—*

11 (A) *by striking “ASSISTANT SECRETARY*
 12 *FOR EDUCATIONAL RESEARCH” in the heading*
 13 *and inserting “DIRECTOR OF THE ACADEMY OF*
 14 *EDUCATION SCIENCES”;* *and*

15 (B) *by striking “Assistant Secretary for*
 16 *Educational Research and Improvement” and*
 17 *inserting “Director of the Academy of Education*
 18 *Sciences”;*

19 (6) *in subsection (e)(1)(A), by striking “section*
 20 *411(b)” and inserting “section 303(b)”;*

21 (7) *in subsection (e)(1)(B), by striking “section*
 22 *411(e)” and inserting “section 303(e)”;*

23 (8) *in subsection (e)(1)(E), by striking “, includ-*
 24 *ing the Advisory Council established under section*
 25 *407”;*

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

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

6 (11) in subsection (e)(6), by striking “section
 7 411(e)” and inserting “section 303(e)”; and

8 (12) by transferring and redesignating the sec-
 9 tion as section 302 (following section 301) of title III
 10 of this Act.

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

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

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

20 (3) in subsection (a), by striking “section 412”
 21 and inserting “section 302”;

22 (4) in subsection (a), by striking “and with the
 23 technical assistance of the Advisory Council estab-
 24 lished under section 407,”;

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

3 (6) in subsection (b)(3)(A)—

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

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

11 (7) in subsection (b)(5), by striking “(c)(2)” and
12 inserting “(c)(3)”;

13 (8) in subsection (c)(2)(D), by striking “sub-
14 paragraph (B)” and inserting “subparagraph (C)”;

15 (9) in subsection (e)(4), by striking “subpara-
16 graph (2)(C)” and inserting “paragraph (2)(C) of
17 such subsection”;

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

20 (11) by transferring and redesignating the sec-
21 tion as section 303 (following section 302) of title III
22 of this Act.

1 **SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**
2 **ORGANIZATION ACT.**

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

5 *(1) Paragraph (4) of section 202(b) (20 U.S.C.*
6 *3412(b)) is amended to read as follows:*

7 *“(4) There shall be in the Department a Director of*
8 *the Academy of Education Sciences who shall be appointed*
9 *in accordance with section 115(a) of the Education Sciences*
10 *Reform Act of 2002 and perform the duties described in*
11 *that Act.”.*

12 *(2) Section 208 (20 U.S.C. 3419) is amended to*
13 *read as follows:*

14 *“ACADEMY OF EDUCATION SCIENCES*

15 *“SEC. 208. There shall be in the Department of Edu-*
16 *cation an Academy of Education Sciences, which shall be*
17 *administered in accordance with the Education Sciences*
18 *Reform Act of 2002 by the Director appointed under section*
19 *115(a) of that Act.”.*

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

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

23 **SEC. 403. REPEALS.**

24 *The following provisions of law are repealed:*

1 (1) *The National Education Statistics Act of*
 2 *1994 (title IV of the Improving America’s Schools Act*
 3 *of 1994; 20 U.S.C. 9001 et seq.).*

4 (2) *Parts A through E and K through N of the*
 5 *Educational Research, Development, Dissemination,*
 6 *and Improvement Act of 1994 (title IX of the Goals*
 7 *2000: Educate America Act) (20 U.S.C. 6001 et seq.).*

8 (3) *Paragraph (2) of section 401(b) of the De-*
 9 *partment of Education Organization Act (20 U.S.C.*
 10 *3461(b)(2)).*

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

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

17 (b) *TITLE 5, UNITED STATES CODE.*—*Title 5, United*
 18 *States Code, is amended—*

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

21 (2) *in section 5315, by striking the following:*
 22 *“Commissioner, National Center for Education Statis-*
 23 *tics.”.*

24 (c) *GENERAL EDUCATION PROVISIONS ACT.*—*Section*
 25 *447(b) of the General Education Provisions Act (20 U.S.C.*

1 1232j) is amended by striking “section 404(a)(6) of the Na-
 2 tional Education Statistics Act of 1994 (20 U.S.C.
 3 9003(a)(6))” and inserting “section 153(a)(5) of the Edu-
 4 cation Sciences Reform Act of 2002”.

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

8 (1) *Section 1111(c)(2) is amended by striking*
 9 *“section 411(b)(2) of the National Education Statis-*
 10 *tics Act of 1994” and inserting “section 303(b)(2) of*
 11 *the National Assessment of Educational Progress Au-*
 12 *thorization Act”.*

13 (2) *Section 1112(b)(1)(F) is amended by striking*
 14 *“section 411(b)(2) of the National Education Statis-*
 15 *tics Act of 1994” and inserting “section 303(b)(2) of*
 16 *the National Assessment of Educational Progress Au-*
 17 *thorization Act”.*

18 (3) *Section 1117(a)(3) is amended by inserting*
 19 *“(as such section existed on the day before the date of*
 20 *enactment of the Education Sciences Reform Act of*
 21 *2002)” after “Act of 1994”.*

22 (4) *Section 1501(a)(3) is amended by striking*
 23 *“section 411 of the National Education Statistics Act*
 24 *of 1994” and inserting “section 303 of the National*

1 *Assessment of Educational Progress Authorization*
 2 *Act”.*

3 *(5) The following provisions are each amended*
 4 *by striking “Office of Educational Research and Im-*
 5 *provement” and inserting “Academy of Education*
 6 *Sciences”:*

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

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

9 *(C) Section 5464(e)(1) (20 U.S.C.*
 10 *7253c(e)(1)).*

11 *(D) Paragraphs (1) and (2) of section*
 12 *5615(d) (20 U.S.C. 7283d(d)).*

13 *(E) Paragraphs (1) and (2) of section*
 14 *7131(c) (20 U.S.C. 7451(c)).*

15 *(6) Paragraphs (1) and (2) of section 5464(e)*
 16 *(20 U.S.C. 7253c(e)) are each amended by striking*
 17 *“such Office” and inserting “such Academy”.*

18 *(7) Section 5613 (20 U.S.C. 7283b) is*
 19 *amended—*

20 *(A) in subsection (a)(5), by striking “Assist-*
 21 *ant Secretary of the Office of Educational Re-*
 22 *search and Improvement” and inserting “Direc-*
 23 *tor of the Academy of Education Sciences”; and*

24 *(B) in subsection (b)(2)(B), by striking “re-*
 25 *search institutes of the Office of Educational Re-*

1 *search and Improvement” and inserting “Na-*
 2 *tional Education Centers of the Academy of*
 3 *Education Sciences”.*

4 *(8) Sections 5615(d)(1) and 7131(c)(1) (20*
 5 *U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by*
 6 *striking “the Office” and inserting “the Academy”.*

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

11 *(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF*
 12 *1994.—Section 404 of the School-to-Work Opportunities*
 13 *Act of 1994 (20 U.S.C. 6194) is amended by inserting “(as*
 14 *such Act existed on the day before the date of enactment*
 15 *of the Education Sciences Reform Act of 2002)” after “Act*
 16 *of 1994”.*

17 **SEC. 405. EFFECTIVE DATE.**

18 *This Act and the amendments made by this Act shall*
 19 *take effect on October 1, 2002.*

Union Calendar No. 239

107TH CONGRESS
2^D SESSION

H. R. 3801

[Report No. 107-404]

A BILL

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

APRIL 11, 2002

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the Union,
and ordered to be printed