

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

(2) Designating existing entity

If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before December 21, 2000, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe, or corporation may designate the council or entity as a Local Council under this chapter, and shall be considered to have established a Local Council in compliance with this subsection.

(3) Functions

The Local Council shall be responsible for preparing and submitting the application described in section 9412 of this title.

(b) Administration

(1) Administrative costs

Not more than 3 percent of the funds received by a Local Council under this chapter shall be used to pay for the administrative costs of the Local Council in carrying out this chapter.

(2) Fiscal agent

A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this chapter.

(Pub. L. 106-554, §1(a)(1) [title VIII, §814], Dec. 21, 2000, 114 Stat. 2763, 2763A-88.)

CHAPTER 76—EDUCATION RESEARCH, STATISTICS, EVALUATION, INFORMATION, AND DISSEMINATION

SUBCHAPTER I—EDUCATION SCIENCES REFORM

Sec.
9501. Definitions.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

9511. Establishment.
9512. Functions.
9513. Delegation.
9514. Office of the Director.
9515. Priorities.
9516. National Board for Education Sciences.
9517. Commissioners of the National Education Centers.
9518. Agreements.
9519. Biennial report.
9520. Competitive awards.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

9531. Establishment.
9532. Commissioner for Education Research.
9533. Duties.
9534. Standards for conduct and evaluation of research.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

9541. Establishment.

Sec.
9542. Commissioner for Education Statistics.
9543. Duties.
9544. Performance of duties.
9545. Reports.
9546. Dissemination.
9547. Cooperative education statistics systems.
9548. State defined.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

9561. Establishment.
9562. Commissioner for Education Evaluation and Regional Assistance.
9563. Evaluations.
9564. Regional educational laboratories for research, development, dissemination, and technical assistance.

PART E—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

9567. Establishment.
9567a. Commissioner for Special Education Research.
9567b. Duties.

PART F—GENERAL PROVISIONS

9571. Interagency data sources and formats.
9572. Prohibitions.
9573. Confidentiality.
9574. Availability of data.
9575. Performance management.
9576. Authority to publish.
9577. Vacancies.
9578. Scientific or technical employees.
9579. Fellowships.
9580. Voluntary service.
9581. Rulemaking.
9582. Copyright.
9583. Removal.
9584. Authorization of appropriations.

SUBCHAPTER II—EDUCATIONAL TECHNICAL ASSISTANCE

9601. Definitions.
9602. Comprehensive centers.
9603. Evaluations.
9604. Existing technical assistance providers.
9605. Regional advisory committees.
9606. Priorities.
9607. Grant program for statewide, longitudinal data systems.
9608. Authorization of appropriations.

SUBCHAPTER III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

9621. National Assessment Governing Board.
9622. National Assessment of Educational Progress.
9623. Definitions.
9624. Authorization of appropriations.

SUBCHAPTER IV—NATIONAL CENTER FOR RESEARCH IN ADVANCED INFORMATION AND DIGITAL TECHNOLOGIES

9631. National Center for Research in Advanced Information and Digital Technologies.

SUBCHAPTER I—EDUCATION SCIENCES REFORM

§ 9501. Definitions

In this subchapter:

(1)(A) In general

The terms “elementary school”, “secondary school”, “local educational agency”, and “State educational agency” have the meanings given those terms in section 7801 of this title.

(B) Outlying areas

The term “outlying areas” has the meaning given such term in section 6331(c) of this title.

(C) Freely associated states

The term “freely associated states” means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) Applied research

The term “applied research” means research—

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

(B) that is specifically directed to the advancement of practice in the field of education.

(3) Basic research

The term “basic research” means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

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

(4) Board

The term “Board” means the National Board for Education Sciences established under section 9516 of this title.

(5) Bureau

The term “Bureau” means the Bureau of Indian Affairs.

(6) Comprehensive center

The term “comprehensive center” means an entity established under section 9602 of this title.

(7) Department

The term “Department” means the Department of Education.

(8) Development

The term “development” means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) Director

The term “Director” means the Director of the Institute of Education Sciences.

(10) Dissemination

The term “dissemination” means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other

practitioners, researchers, parents, policy-makers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11) Early childhood educator

The term “early childhood educator” means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) Field-initiated research

The term “field-initiated research” means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) Historically Black college or university

The term “historically Black college or university” means a part B institution as defined in section 1061 of this title.

(14) Institute

The term “Institute” means the Institute of Education Sciences established under section 9511 of this title.

(15) Institution of higher education

The term “institution of higher education” has the meaning given that term in section 1001(a) of this title.

(16) National research and development center

The term “national research and development center” means a research and development center supported under section 9533(c) of this title.

(17) Provider of early childhood services

The term “provider of early childhood services” means a public or private entity that serves young children, including—

(A) child care providers;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) Scientifically based research standards

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

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

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

(B) The term includes, appropriate to the research being conducted—

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

- (ii) involving data analyses that are adequate to support the general findings;
- (iii) relying on measurements or observational methods that provide reliable data;
- (iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);
- (v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;
- (vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and
- (vii) using research designs and methods appropriate to the research question posed.

(19) Scientifically valid education evaluation

The term “scientifically valid education evaluation” means an evaluation that—

- (A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;
- (B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;
- (C) provides an analysis of the results achieved by the program with respect to its projected effects;
- (D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and
- (E) may study program implementation through a combination of scientifically valid and reliable methods.

(20) Scientifically valid research

The term “scientifically valid research” includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) Secretary

The term “Secretary” means the Secretary of Education.

(22) State

The term “State” includes (except as provided in section 9548 of this title) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) Technical assistance

The term “technical assistance” means—

- (A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—
 - (i) improved educational and other practices and classroom instruction based on scientifically valid research; and

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

- (B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and
- (C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

(Pub. L. 107-279, title I, §102, Nov. 5, 2002, 116 Stat. 1941; Pub. L. 114-95, title IX, §9215(ff)(1), Dec. 10, 2015, 129 Stat. 2174.)

Editorial Notes

REFERENCES IN TEXT

The Head Start Act, referred to in par. (17)(B), is subchapter B (§§635–657) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

AMENDMENTS

2015—Par. (1). Pub. L. 114-95 amended par. (1) generally. Prior to amendment, text read as follows: “The terms ‘elementary school’, ‘secondary school’, ‘local educational agency’, and ‘State educational agency’ have the meanings given those terms in section 7801 of this title and the terms ‘freely associated states’ and ‘outlying area’ have the meanings given those terms in section 6331(c) of this title.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

SHORT TITLE

Pub. L. 107-279, title I, §101, Nov. 5, 2002, 116 Stat. 1941, provided that: “This title [enacting this subchapter] may be cited as the ‘Education Sciences Reform Act of 2002’.”

Pub. L. 107-279, title II, §201, Nov. 5, 2002, 116 Stat. 1975, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Educational Technical Assistance Act of 2002’.”

Pub. L. 107-279, title III, §301, Nov. 5, 2002, 116 Stat. 1982, provided that: “This title [enacting subchapter III of this chapter] may be referred to as the ‘National Assessment of Educational Progress Authorization Act’.”

ORDERLY TRANSITION

Pub. L. 107-279, title IV, §405, Nov. 5, 2002, 116 Stat. 1986, provided that: “The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act [enacting this chapter and section 3419 of this title, amending sections 1232j, 3412, 3461, 6194, 6311, 6312, 7013, 7451, 7703, 7909, 9007, 9010, 9011, 9573, 9623, and 9624 and former sections 6317, 6491, 6932, 7253c, 7283b, and 7283d of this title and section 5315 of Title 5, Government Organization and Employees, transferring sections 9010 and 9011 of this title to sections 9622 and 9621 of this title, respectively, repealing sections 3419, 6011, 6021, 6031, 6041, 6051, 6053 to 6053e, 6054 to 6054b, 6055 to 6055h, 6056, 6056a, 9001 to 9009, and 9012 of this title, enacting provisions set out as notes under this section and section 7703 of this title, and repealing provisions

set out as notes under sections 1221e and 9001 of this title], and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).”

PART A—THE INSTITUTE OF EDUCATION
SCIENCES

§ 9511. Establishment

(a) Establishment

There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 9514 of this title) and, to the extent set forth in section 9516 of this title, a board of directors.

(b) Mission

(1) In general

The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

- (A) the condition and progress of education in the United States, including early childhood education and special education;
- (B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and
- (C) the effectiveness of Federal and other education programs.

(2) Carrying out mission

In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

- (A) conform to high standards of quality, integrity, and accuracy; and
- (B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(c) Organization

The Institute shall consist of the following:

- (1) The Office of the Director (as described in section 9514 of this title).
- (2) The National Board for Education Sciences (as described in section 9516 of this title).
- (3) The National Education Centers, which include—
 - (A) the National Center for Education Research (as described in part B);
 - (B) the National Center for Education Statistics (as described in part C);
 - (C) the National Center for Education Evaluation and Regional Assistance (as described in part D); and
 - (D) the National Center for Special Education Research (as described in part E).

(Pub. L. 107-279, title I, §111, Nov. 5, 2002, 116 Stat. 1944; Pub. L. 108-446, title II, §201(b)(2)(A), (B), Dec. 3, 2004, 118 Stat. 2802.)

Editorial Notes

AMENDMENTS

2004—Subsec. (b)(1)(A). Pub. L. 108-446, §201(b)(2)(A), inserted “and special education” after “early childhood education”.

Subsec. (c)(3)(D). Pub. L. 108-446, §201(b)(2)(B), added subpar. (D).

§ 9512. Functions

From funds appropriated under section 9584 of this title, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

- (1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;
- (2) widely disseminate the findings and results of scientifically valid research in education;
- (3) promote the use, development, and application of knowledge gained from scientifically valid research activities;
- (4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;
- (5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and
- (6) promote the use and application of research and development to improve practice in the classroom.

(Pub. L. 107-279, title I, §112, Nov. 5, 2002, 116 Stat. 1945.)

§ 9513. Delegation

(a) Delegation of authority

Notwithstanding section 3472 of this title, the Secretary shall delegate to the Director all functions for carrying out this subchapter (other than administrative and support functions), except that—

- (1) nothing in this subchapter or in subchapter III of this chapter (except section 9621(e)(1)(J) of this title) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 9621(e)(1)(E) of this title) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before November 5, 2002;
- (2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;
- (3) section 9621(f)(1) of this title shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;
- (4) sections 9515 and 9516 of this title shall not apply to the National Assessment of Educational Progress; and