

[COMMITTEE PRINT]

**Amendment in the Nature of a Substitute  
to H.R. 3801**

(Showing the text approved on March 13, 2002, by the  
Subcommittee on Education Reform)

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

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

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

6 **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.

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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 (hereafter in this  
 6   title referred to as the “Academy”), to be administered  
 7   by a Director (as provided in section 115) and a board  
 8   of directors (as provided in section 117).

9           (b) MISSION.—The mission of the Academy is to pro-  
 10   vide national leadership in expanding fundamental knowl-  
 11   edge and understanding of education, in order to provide



1 parents, educators, students, researchers, policymakers,  
2 and the general public with reliable information about the  
3 condition and progress of education in the United States,  
4 educational practices that support learning and improve  
5 academic achievement for all students, and the effective-  
6 ness of Federal and other education programs. In carrying  
7 out this mission, the Academy shall conduct research,  
8 evaluation, statistics, and dissemination activities sup-  
9 ported by Federal funds through the Academy and ensure  
10 that such activities—

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

13 (2) are objective, secular, neutral, and nonideo-  
14 logical and are free of partisan and political influ-  
15 ence and racial, cultural, gender, or regional bias.

16 **SEC. 112. ORGANIZATION.**

17 The Academy consists of the following:

18 (1) The Office of the Director (as set out in  
19 section 115).

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

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

24 (4) The National Education Centers, which  
25 include—



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

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

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

7 **SEC. 113. FUNCTIONS.**

8 The Academy, directly or through grants, contracts,  
9 or cooperative agreements, shall—

10 (1) conduct and support scientifically valid re-  
11 search activities, including basic and applied re-  
12 search, statistics activities, scientifically valid edu-  
13 cation evaluation, development, and dissemination;

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

16 (3) promote the application of knowledge gained  
17 from scientifically valid research activities;

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

20 (5) promote the coordination of scientifically  
21 valid research in education within the Department  
22 and the Federal Government.

23 **SEC. 114. DELEGATION.**

24 (a) DELEGATION OF AUTHORITY.—Notwithstanding  
25 section 412 of the Department of Education Organization



1 Act (20 U.S.C. 3472), the Secretary shall delegate to the  
2 Director all functions for carrying out this title (other  
3 than administrative and support functions), except that—

4 (1) nothing in this title may be construed to  
5 alter or diminish the role, responsibilities, or author-  
6 ity of the National Assessment Governing Board to  
7 set policy, procedures, and guidelines for the Na-  
8 tional Assessment of Educational Progress; and

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

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

15 (1) the Academy’s priorities, as approved by the  
16 Board under section 116; or

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

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

20 (a) APPOINTMENT.—The President, with the advice  
21 and consent of the Senate, shall appoint the Director of  
22 the Academy.

23 (b) TERM.—

24 (1) IN GENERAL.—The Director shall serve for  
25 a term of six years, beginning on the date of con-



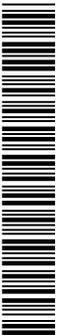
1           firmation by the Senate, but may be removed by the  
2           President prior to the expiration of that term.

3           (2) FIRST DIRECTOR.—The President, without  
4           the advice and consent of the Senate, may appoint  
5           the Assistant Secretary for the Office of Educational  
6           Research and Improvement (as such office existed  
7           on the day before the date of the enactment of this  
8           Act) to serve as the Director of the Academy for a  
9           term that ends on July 1, 2007. The President, with  
10          the advice and consent of the Senate, shall appoint  
11          a Director under subsection (a) in the case of a va-  
12          cancy prior to the expiration of the first Director's  
13          term.

14          (3) SUBSEQUENT DIRECTORS.—The Board may  
15          make recommendations to the President with respect  
16          to the appointment of a Director, except in such  
17          cases as described in paragraph (2).

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

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



1 (e) ADMINISTRATION.—The Director shall—

2 (1) administer and oversee the Academy in ac-  
3 cordance with this title;

4 (2) oversee and coordinate the activities carried  
5 out under the Academy, including the activities of  
6 the National Education Centers; and

7 (3) coordinate budgets and operating plans sub-  
8 mitted by the Commissioners of each of the National  
9 Education Centers.

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

12 (1) To propose to the Board priorities for the  
13 Academy in accordance with section 116.

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

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

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



1           (5) To establish necessary procedures for tech-  
2           nical and scientific peer review of the activities of  
3           the 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 and sections 444 and 445 of the General  
9           Education Provisions Act (20 U.S.C. 1232g, 1232h).

10          (7) To ensure that activities conducted or sup-  
11          ported by the Academy are objective, secular, neu-  
12          tral, and nonideological and are free of partisan and  
13          political influence and racial, cultural, gender, or re-  
14          gional bias.

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

18          (9) To undertake initiatives and programs to  
19          increase the participation of researchers and institu-  
20          tions that have been historically underutilized in  
21          Federal educational research activities in the activi-  
22          ties of the Academy, including historically black col-  
23          leges and universities and other institutions of high-  
24          er education with large numbers of minority stu-  
25          dents.



1 (g) PEER-REVIEW GROUPS.—The Director may es-  
2 tablish technical and scientific peer-review groups and sci-  
3 entific program advisory committees that the Director de-  
4 termines are necessary to carry out the requirements of  
5 this title. The Director shall appoint such personnel, ex-  
6 cept that officers and employees of the United States shall  
7 comprise no more than one-fourth of the members of any  
8 such group and shall not receive additional compensation  
9 for their service as members of such a group. The Director  
10 shall ensure that reviewers are exceptionally qualified and  
11 capable to appraise educational research and development  
12 projects. The Federal Advisory Committee Act (5 U.S.C.  
13 App.) shall not apply to a peer-review group established  
14 under this subsection.

15 **SEC. 116. PRIORITIES.**

16 (a) PROPOSAL.—The Director shall propose to the  
17 Board priorities for the Academy identifying topics that  
18 may require long-term research and topics that are fo-  
19 cused on understanding and solving particular education  
20 problems and issues, including those associated with the  
21 goals and requirements established in the Elementary and  
22 Secondary Education Act of 1965 (20 U.S.C. 6301 et  
23 seq.), such as—

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



1 gaps between minority and nonminority children and  
2 between disadvantaged children and their more ad-  
3 vantaged peers; and

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

7 (b) APPROVAL.—The Board (established under sec-  
8 tion 117) shall approve or disapprove the priorities for the  
9 Academy proposed by the Director, including any nec-  
10 essary revision of those priorities. The Board shall trans-  
11 mit any priorities so approved to the appropriate congres-  
12 sional committees.

13 (c) CONSISTENCY.—The Board shall ensure that pri-  
14 orities of the Academy and National Education Centers  
15 are consistent with the mission of the Academy.

16 (d) PUBLIC AVAILABILITY AND COMMENT.—Before  
17 submitting to the Board proposed priorities for the Acad-  
18 emy, the Director shall make such priorities, along with  
19 the Academy's plan for addressing those priorities, avail-  
20 able to the public for comment (including by means of the  
21 Internet and through publishing such priorities in the  
22 Federal Register). The Director shall provide to the Board  
23 a copy of each such comment submitted.



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

2 (a) ESTABLISHMENT.—The Academy shall have a  
3 board of directors, which shall be known as the National  
4 Board for Education Sciences (referred to in this title as  
5 the “Board”).

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

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

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

12 (3) To review and approve procedures for tech-  
13 nical and scientific peer review of the activities of  
14 the Academy.

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

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

21 (A) the strengthening of education re-  
22 search; and

23 (B) the funding of the Academy.

24 (6) To advise the Director on the funding of  
25 applications for grants, contracts, and cooperative



1 agreements for research, after the completion of peer  
2 review.

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

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

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

21 (10) To review and advise the Director on op-  
22 portunities for the participation in, and the advance-  
23 ment of, women, minorities, and persons with dis-  
24 abilities in education research, statistics, and evalua-  
25 tion activities of the Academy.



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

4           (c) COMPOSITION.—

5           (1) VOTING MEMBERS.—The Board shall have  
6           15 voting members appointed by the President, with  
7           the advice and consent of the Senate.

8           (2) NONVOTING EX OFFICIO MEMBERS.—The  
9           Board shall have the following nonvoting ex officio  
10          members:

11           (A) The Director of the Academy of Edu-  
12          cation Sciences.

13           (B) Each of the commissioners of the Na-  
14          tional Education Centers.

15           (C) The Director of the National Institute  
16          of Child Health and Human Development.

17           (D) The Director of the Census.

18           (E) The Commissioner of Labor Statistics.

19           (F) The President of the National Acad-  
20          emy of Sciences.

21          (3) APPOINTED MEMBERSHIP.—

22           (A)    QUALIFICATIONS.—Members    ap-  
23          pointed under paragraph (1) shall be exception-  
24          ally qualified to appraise educational research,  
25          statistics, evaluations, or development, and shall



1 include individuals from each of the following  
2 groups:

3 (i) Educators, including classroom  
4 teachers, principals, and other school ad-  
5 ministrators.

6 (ii) Parents.

7 (iii) Business leaders.

8 (iv) Experts and scientists in re-  
9 search, statistics, evaluation or develop-  
10 ment, who are recognized in their dis-  
11 cipline as highly qualified to represent such  
12 discipline.

13 (B) SPECIAL RULE.—A majority of mem-  
14 bers of the Board must be appointed from the  
15 groups described in clauses (i) and (iv) of sub-  
16 paragraph (A).

17 (C) TERMS.—Each member appointed  
18 under paragraph (1) shall serve for a term of  
19 4 years, except that—

20 (i) the terms of the initial members  
21 appointed under such paragraph shall (as  
22 determined by a random selection process  
23 at the time of appointment) be for stag-  
24 gered terms of—



1 (I) 4 years for each of five mem-  
2 bers;

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

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

7 (ii) no such member shall serve for  
8 more than two consecutive terms.

9 (D) EXTENSION OF SERVICE.—A member  
10 of the Board may serve after the expiration of  
11 the member's term until a successor has been  
12 appointed and confirmed, but for no longer  
13 than 1 additional year.

14 (4) CHAIR.—The Board shall elect a chair-  
15 person from among the members of the Board.

16 (5) COMPENSATION.—Members of the Board  
17 shall serve without pay for such service. Members of  
18 the Board who are officers or employees of the  
19 United States may not receive additional pay, allow-  
20 ances, or benefits by reason of their service on the  
21 Board.

22 (6) TRAVEL EXPENSES.—The members of the  
23 Board shall receive travel expenses, including per  
24 diem in lieu of subsistence, in accordance with sub-



1 chapter I of chapter 57 of title 5, United States  
2 Code.

3 (7) POWERS OF THE BOARD.—

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

7 (B) ADDITIONAL STAFF.—The Board shall  
8 utilize such additional staff as may be ap-  
9 pointed or assigned by the Director, in con-  
10 sultation with the Chair.

11 (C) DETAIL OF STAFF PERSONNEL.—The  
12 Board may arrange for the detail of staff per-  
13 sonnel and use the services and facilities of any  
14 department or agency of the Federal Govern-  
15 ment.

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

19 (E) INFORMATION.—The Board may, to  
20 the extent otherwise permitted by law, obtain  
21 directly from any Executive department or  
22 agency of the Federal Government such infor-  
23 mation as the Board deems necessary to carry  
24 out its functions.



1           (8) MEETINGS.—The Board shall meet not less  
2           than four times each year. The Board shall hold ad-  
3           ditional meetings at the call of the chairperson or  
4           upon the written request of at least six voting mem-  
5           bers of the Board.

6           (9) QUORUM.—A majority of the voting mem-  
7           bers of the Board shall constitute a quorum.

8           (d) STANDING COMMITTEES.—

9           (1) ESTABLISHMENT.—The Board may estab-  
10          lish standing committees—

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

13                 (B) to advise, assist, consult with, and  
14                 make recommendations to the Director and the  
15                 Commissioner of the appropriate National Edu-  
16                 cation Centers.

17           (2) MEMBERSHIP.—Each standing committee  
18           shall include a majority of voting members of the  
19           Board whose expertise is needed for the functioning  
20           of the committee. The membership of each standing  
21           committee—

22                 (A) shall include, as appropriate, experts  
23                 and scientists in research, statistics, evaluation,  
24                 or development who are recognized in their dis-



1            discipline as highly qualified to represent such dis-  
2            cipline;

3            (B) may include ex officio members of the  
4            Board as well as experts who are not members  
5            of the Board, but who have been recommended  
6            by the Commissioners of each Center and ap-  
7            proved by the Board; and

8            (C) may include policymakers and expert  
9            practitioners with knowledge of, and experience  
10           using, the results of research, evaluation, and  
11           statistics.

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

13           (A) at the discretion of the Board or the  
14           standing committee, review and comment on  
15           any grant, contract, or cooperative agreement  
16           entered into (or proposed to be entered into) by  
17           the applicable National Education Center;

18           (B) prepare for, and report to, the Board  
19           an annual evaluation of the operations of the  
20           applicable National Education Center;

21           (C) review and comment on the relevant  
22           Commissioner's plan for activities to be under-  
23           taken by the applicable National Education  
24           Center for each fiscal year; and



1 (D) periodically report to the Board re-  
2 garding the activities of the committee.

3 (e) ANNUAL REPORT.—The Board shall submit to  
4 the Director, the Secretary, and the appropriate congres-  
5 sional committees, not later than July 1 of each year, a  
6 report that assesses the effectiveness of the Academy in  
7 carrying out its priorities and mission, especially as they  
8 relate to carrying out scientifically valid research, con-  
9 ducting unbiased evaluations, and collecting and reporting  
10 accurate education statistics.

11 (f) RECOMMENDATIONS.—The Board shall submit to  
12 the Director, the Secretary, and the appropriate congres-  
13 sional committees a report that includes any recommenda-  
14 tions regarding any actions that could be taken to enhance  
15 the ability of the Academy to carry out its priorities and  
16 mission. The Board shall submit an interim report not  
17 later than 3 years after the date of enactment of this title  
18 and a final report not later than 5 years after such date  
19 of enactment.

20 **SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION**  
21 **CENTERS.**

22 (a) APPOINTMENT.—The National Education Cen-  
23 ters shall each be headed by a Commissioner appointed  
24 by the Director. In appointing Commissioners, the Direc-  
25 tor shall seek to promote continuity in leadership of the



1 National Education Centers and shall consider individuals  
2 recommended by the Board, acting in consultation with  
3 the Director. The Director may appoint a Commissioner  
4 to carry out the functions of a National Education Center  
5 without regard to the provisions of title 5, United States  
6 Code, governing appointments in the competitive service,  
7 and the provisions of chapter 51 and subchapter III of  
8 chapter 53 of such title relating to classification and Gen-  
9 eral Schedule pay rates.

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

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

15 (d) SERVICE AND REMOVAL.—Each Commissioner  
16 shall report to the Director and may be removed by the  
17 Director. A Commissioner may serve after the expiration  
18 of that Commissioner's term until a successor has been  
19 appointed by the Director.

20 **SEC. 119. OFFICE OF EDUCATIONAL RESOURCES AND DIS-**  
21 **SEMINATION.**

22 (a) ESTABLISHMENT.—There is established within  
23 the Academy an Office of Educational Resources and Dis-  
24 semination.



1 (b) DUTIES.—The Office of Educational Resources  
2 and Dissemination shall—

3 (1) disseminate information on scientifically  
4 valid research, statistics, and evaluation on edu-  
5 cation to the public, the media, voluntary organiza-  
6 tions, and other constituencies, especially with re-  
7 spect to information relating to, at a minimum—

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

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

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

15 (D) education technology, including soft-  
16 ware;

17 (2) manage the National Library of Education  
18 described in subsection (d), and other sources of dig-  
19 ital information on education research; and

20 (3) make such information accessible in a user-  
21 friendly, timely, and efficient manner (including  
22 through use of a searchable web-based online data-  
23 base) to schools, educators, parents, administrators,  
24 policymakers, researchers, public and private enti-  
25 ties, entities responsible for carrying out technical



1 assistance through the Department, and the general  
2 public.

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

6 (1) ensure that information disseminated under  
7 this section is completed and provided in a cost-ef-  
8 fective, nonduplicative manner, including the most  
9 current research findings (which may include  
10 through the continuation of individual clearing-  
11 houses authorized under the Educational Research,  
12 Development, Dissemination, and Improvement Act  
13 of 1994 (title IX of the Goals 2000: Educate Amer-  
14 ica Act; 20 U.S.C. 6001 et seq.) (as such Act existed  
15 on the day before the date of enactment of this  
16 title));

17 (2) prominently describe the type of scientific  
18 evidence that is used to support the findings that  
19 are disseminated;

20 (3) clearly explain the scientifically appropriate  
21 and inappropriate uses of—

22 (A) the findings that are disseminated; and

23 (B) the types of evidence used to support  
24 those findings; and



1           (4) respond, as appropriate, to inquiries from  
2           schools, educators, parents, administrators, policy-  
3           makers, researchers, public and private entities, and  
4           entities responsible for carrying out technical assist-  
5           ance.

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

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

22           **SEC. 131. ESTABLISHMENT.**

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



1 (b) MISSION.—The mission of the Research Center  
2 is—

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

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

13 (3) to promote quality and integrity through  
14 the use of accepted practices of scientific inquiry to  
15 obtain knowledge and understanding of the validity  
16 of education theories, practices, or conditions; and

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

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

21 The Research Center shall be headed by a Commis-  
22 sioner for Education Research (in this part referred to as  
23 the “Research Commissioner”) who shall—

24 (1) have substantial knowledge of the activities  
25 of the Research Center, including a high level of ex-



1           pertise in the field of research and research manage-  
2           ment; and

3           (2) be appointed for a term of six years.

4 **SEC. 133. DUTIES.**

5           (a) GENERAL DUTIES.—The Research Commissioner  
6 shall—

7           (1) maintain published peer review standards  
8           and standards for the conduct and evaluation of all  
9           research and development carried out under the aus-  
10          pices of the Research Center pursuant to the provi-  
11          sions of this part;

12          (2) develop, in consultation with the Director, a  
13          research plan that—

14                  (A) is consistent with the priorities and  
15                  mission of the Academy and the mission of the  
16                  Research Center and is based upon the activi-  
17                  ties described in paragraph (3); and

18                  (B) shall be carried out pursuant to para-  
19                  graph (4), and as appropriate, be updated and  
20                  modified;

21          (3) carry out specific, long-term research activi-  
22          ties consistent with the priorities and mission of the  
23          Academy;

24          (4) award contracts, grants, or cooperative  
25          agreements through the Director and in accordance



1 with section 135(b), at an amount and for a length  
2 of time determined to be appropriate to carry out  
3 scientifically valid research that—

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

7 (B) meets the procedures for peer review  
8 established by the Director under section 115(e)  
9 and the standards of research described in sec-  
10 tion 135; and

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

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

18 (6) ensure that research conducted by the Re-  
19 search Center is applicable to education practice and  
20 policy;

21 (7) synthesize and disseminate, through the Of-  
22 fice of Educational Resources and Dissemination,  
23 the findings and results of education research con-  
24 ducted or supported by the Research Center; and



1 (8) prepare and submit an annual report, as de-  
2 scribed in section 134, which shall be made available  
3 to the public through such means as the Internet.

4 (b) ELIGIBILITY.—The Research Center may award  
5 a contract, grant, or cooperative agreement under sub-  
6 section (a)(4) only if the recipient of the contract, grant,  
7 or cooperative agreement is an organization or institution  
8 (whether public or private, for-profit or nonprofit), an in-  
9 stitution of higher education, a consortium thereof, or an  
10 individual (including national research and development  
11 centers and regional education laboratories for research,  
12 development, dissemination, and technical assistance (as  
13 such centers and laboratories existed on the day before  
14 the date of enactment of this title)) with the ability or  
15 capacity to carry out scientifically valid research.

16 (c) EVALUATIVE SUMMARIES OF RESEARCH PRIOR-  
17 ITIES.—In addition to the duties described in subsection  
18 (a), the Research Center shall oversee and support the  
19 conduct of evaluative summaries of the education priority  
20 areas of each of the research and development centers  
21 under section 931(c)(1)(B) of the Education Research,  
22 Development, Dissemination, and Improvement Act of  
23 1994 (20 U.S.C. 6031(c)(1)(C)) (as such provision existed  
24 on the day before the date of enactment of this title). Such  
25 summaries—



1 (1) shall be completed not later than 1 year  
2 after the date of enactment of this title; and

3 (2) shall be submitted to the Director, the Re-  
4 search Commissioner, and the Board to provide as-  
5 sistance on developing and implementing the re-  
6 search plan described in subsection (a)(2).

7 (d) EVALUATIVE SUMMARY.—Each evaluative sum-  
8 mary conducted under subsection (c) shall—

9 (1) include a detailed description of the findings  
10 of the main research and development activities of  
11 the Research Center (and the national research and  
12 development centers and regional education labora-  
13 tories for research, development, dissemination, and  
14 technical assistance (as such centers and labora-  
15 tories existed on the day before the date of enact-  
16 ment of this title));

17 (2) describe how such findings are consistent  
18 with scientifically valid research;

19 (3) describe the implications of such findings  
20 for educational practice and school reform;

21 (4) describe any development, reform, and other  
22 assistance activities that have utilized such findings  
23 and the effects of such efforts;

24 (5) include a classification of all major research  
25 conducted within each priority area, including all re-



1 search conducted using Federal funds in relation to  
2 scientifically valid research; and

3 (6) include an analysis of the major program  
4 activities of the Research Center in the categories of  
5 basic research, applied research, and development,  
6 and of whether such activities meet scientifically  
7 based research standards.

8 (e) TRANSITION.—

9 (1) EXTENSION.—For purposes of evaluating a  
10 research and development center (as provided in  
11 subsection (c)) and carrying out any other duties  
12 deemed appropriate by the Research Commissioner  
13 (in consultation with the Director and consistent  
14 with this part), such Commissioner, through the Di-  
15 rector, shall extend any grant, contract, or coopera-  
16 tive agreement made to such a research and develop-  
17 ment center for a period of not more than 2 years,  
18 after which the Director, based on the priorities and  
19 mission of the Academy and the extent to which the  
20 work of the Center has met the standards of sci-  
21 entifically valid research, shall—

22 (A) extend or renegotiate such grant, con-  
23 tract, or cooperative agreement with such re-  
24 search and development center; or



1 (B) terminate or prohibit the renewal of  
2 such grant, contract, or cooperative agreement.

3 (2) DETERMINATION.—In making a determina-  
4 tion under paragraph (1), the Research Commis-  
5 sioner, in consultation with the Director, may use  
6 evaluations and assessments of a research and devel-  
7 opment center described in subsection (c) completed  
8 before the date of enactment of this title.

9 **SEC. 134. ANNUAL REPORT.**

10 The Research Commissioner shall annually transmit  
11 to the President, the Board, and the appropriate congres-  
12 sional committees and make widely available to the public  
13 (including by means of the Internet), a report containing  
14 the following:

15 (1) A description of the activities carried out by  
16 and through the Research Center during the prior  
17 fiscal year.

18 (2) A detailed summary of each grant, contract,  
19 and cooperative agreement in excess of \$100,000  
20 funded during the prior fiscal year, including, at a  
21 minimum, the amount, duration, recipient, purpose,  
22 and goal of the award and its relationship to the pri-  
23 orities and mission of the Academy, the reports and  
24 publications produced, and an evaluation of the ac-



1 activities of the Research Center, which shall be avail-  
2 able in a user-friendly electronic database.

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

7 (4) Such additional comments, recommenda-  
8 tions, and materials as the Director considers appro-  
9 priate.

10 **SEC. 135. STANDARDS FOR CONDUCT AND EVALUATION OF**  
11 **RESEARCH.**

12 (a) IN GENERAL.—In carrying out this part, the Re-  
13 search Commissioner, in consultation with the Director,  
14 shall—

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

18 (2) develop such other standards as may be  
19 necessary to govern the conduct and evaluation of all  
20 research, development, and dissemination activities  
21 carried out by the Research Center to assure that  
22 such activities meet the highest standards of profes-  
23 sional excellence;

24 (3) review the procedures utilized by the Na-  
25 tional Institutes of Health, the National Science



1 Foundation, and other Federal departments or agen-  
2 cies engaged in research and development and ac-  
3 tively solicit recommendations from research organi-  
4 zations and members of the general public in the de-  
5 velopment of the standards described in paragraph  
6 (2); and

7 (4) require research to comply with Federal  
8 guidelines relating to research misconduct.

9 (b) AWARDING OF FUNDS.—In the case of research  
10 that is carried out under this part through grants, con-  
11 tracts, or cooperative agreements, the Research Commis-  
12 sioner, through the Director, at a minimum, shall—

13 (1) use a process of open competition in award-  
14 ing or entering into all such grants, contracts, and  
15 cooperative agreements;

16 (2) use a system of peer review of highly quali-  
17 fied individuals with an in-depth knowledge of the  
18 subject to be investigated—

19 (A) for reviewing and evaluating all appli-  
20 cations for grants and cooperative agreements  
21 and bids for contracts that exceed \$100,000;  
22 and

23 (B) for evaluating and assessing the per-  
24 formance of all recipients of grants, cooperative  
25 agreements, and contracts;



1           (3) develop the procedures to be used in evalu-  
2           ating applications for grants, cooperative agree-  
3           ments, and contracts and specify the criteria and  
4           factors which shall be considered in making such  
5           evaluations; and

6           (4) evaluate the performance of each recipient  
7           of an award of a grant, contract, or cooperative  
8           agreement at the conclusion of the award.

9           **PART C—NATIONAL CENTER FOR**  
10           **EDUCATION STATISTICS**

11           **SEC. 151. ESTABLISHMENT.**

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

15           (b) MISSION.—The mission of the Statistics Center  
16           shall be—

17           (1) to collect and analyze education information  
18           and statistics in a manner that meets the highest  
19           methodological standards;

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

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

24           (A) is objective, secular, neutral, and non-  
25           ideological and is free of partisan and political



1 influence and racial, cultural, gender, or re-  
2 gional bias; and

3 (B) is relevant and useful to practitioners,  
4 researchers, policymakers, and the public.

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

6 The Statistics Center shall be headed by a Commis-  
7 sioner for Education Statistics (in this part referred to  
8 as the “Statistics Commissioner”) who shall—

9 (1) have substantial knowledge of statistical  
10 methodologies and activities undertaken by the Sta-  
11 tistics Center; and

12 (2) be appointed for a term of six years.

13 **SEC. 153. DUTIES.**

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

18 (1) collecting, acquiring, compiling (where ap-  
19 propriate, on a State-by-State basis), and dissemi-  
20 nating full and complete statistics on the condition  
21 and progress of education, at the preschool, elemen-  
22 tary, secondary, postsecondary, and adult levels in  
23 the United States, including data on—

24 (A) successful State and local education re-  
25 form activities that result in increased academic



1 achievement and narrowing of achievement  
2 gaps;

3 (B) student achievement in, at a minimum,  
4 the core academic areas of reading, math, and  
5 science at all levels of education;

6 (C) secondary school completions, drop-  
7 outs, and adult literacy and reading skills;

8 (D) educational access to, and opportunity  
9 for, postsecondary education, including data on  
10 financial aid to postsecondary students;

11 (E) teaching, including—

12 (i) data on professional development,  
13 including a comparison of courses taken in  
14 the core academic areas of reading, math,  
15 and science with courses in noncore aca-  
16 demic areas; and

17 (ii) the percentage of teachers who are  
18 highly qualified (as such term is defined in  
19 section 9101 of the Elementary and Sec-  
20 ondary Education Act of 1965 (20 U.S.C.  
21 7801)) in each State and, where feasible,  
22 in each local educational agency and  
23 school;



1 (F) instruction, the conditions of the edu-  
2 cation workplace, and the supply of, and de-  
3 mand for, teachers;

4 (G) the incidence, frequency, seriousness,  
5 and nature of violence affecting students, school  
6 personnel, and other individuals participating in  
7 school activities, as well as other indices of  
8 school safety including information regarding—

9 (i) the relationship between victims  
10 and perpetrators;

11 (ii) demographic characteristics of the  
12 victims and perpetrators; and

13 (iii) the type of weapons used in inci-  
14 dents, as classified in the Uniform Crime  
15 Reports of the Federal Bureau of Inves-  
16 tigation;

17 (H) the financing and management of edu-  
18 cation, including data on revenues and expendi-  
19 tures;

20 (I) the social and economic status of chil-  
21 dren, including their academic achievement;

22 (J) the existence and use of educational  
23 technology and access to the Internet in ele-  
24 mentary schools and secondary schools;



1 (K) educational access to, and opportunity  
2 for, early childhood education; and

3 (L) the availability of, and access to, be-  
4 fore-school and after-school programs (including  
5 such programs during school recesses);

6 (2) conducting and publishing reports on the  
7 meaning and significance of the statistics described  
8 in paragraph (1);

9 (3) collecting, analyzing, cross-tabulating, and  
10 reporting, to the extent feasible, information by gen-  
11 der, race, ethnicity, socioeconomic status, limited  
12 English proficiency, mobility, and disability when  
13 such disaggregated information would facilitate edu-  
14 cational and policy decisionmaking;

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

21 (5) acquiring and disseminating data on edu-  
22 cational activities and student achievement (such as  
23 the Third International Math and Science Study) in  
24 the United States compared with foreign nations;  
25 and



1           (6) conducting longitudinal and special data  
2           collections necessary to report on the condition and  
3           progress of education.

4           (b) TRAINING PROGRAM.—The Statistics Commis-  
5           sioner may establish a program to train employees of pub-  
6           lic and private educational agencies, organizations, and in-  
7           stitutions in the use of standard statistical procedures and  
8           concepts and may establish a fellowship program to ap-  
9           point such employees as temporary fellows at the Statis-  
10          tics Center in order to assist the Statistics Center in car-  
11          rying out its duties.

12          **SEC. 154. PERFORMANCE OF DUTIES.**

13          (a) GRANTS, CONTRACTS, AND COOPERATIVE  
14          AGREEMENTS.—In carrying out the duties under this  
15          part, the Statistics Commissioner, through the Director,  
16          may award grants, enter into contracts and cooperative  
17          agreements, and provide technical assistance.

18          (b) GATHERING INFORMATION.—

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

22                 (2) SOURCE OF INFORMATION.—The Statistics  
23                 Commissioner may, as appropriate, use information  
24                 collected—



1 (A) from States, local educational agencies,  
2 public and private schools, preschools, institu-  
3 tions of postsecondary education, libraries, ad-  
4 ministrators, teachers, students, the general  
5 public, and other individuals, organizations,  
6 agencies, and institutions (including informa-  
7 tion collected by States and local educational  
8 agencies for their own use); and

9 (B) by other offices within the Academy  
10 and by other Federal departments, agencies,  
11 and instrumentalities.

12 (3) COLLECTION.—The Statistics Commissioner  
13 may—

14 (A) enter into interagency agreements for  
15 the collection of statistics;

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

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

21 (4) TECHNICAL ASSISTANCE AND COORDINA-  
22 TION.—In order to maximize the effectiveness of De-  
23 partment efforts to serve the educational needs of  
24 children and youth, the Statistics Center shall—



1 (A) provide technical assistance to the De-  
2 partment offices that gather data for statistical  
3 purposes; and

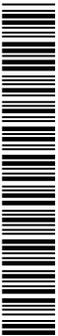
4 (B) coordinate with other Department of-  
5 fices in the collection of data.

6 **SEC. 155. REPORTS.**

7 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The  
8 Statistics Center, in consultation with the Director, shall  
9 establish procedures, in accordance with section 187, to  
10 ensure that the reports issued under this section are rel-  
11 evant, of high quality, useful to customers, subject to rig-  
12 orous peer review, produced in a timely fashion, and free  
13 from any political influence.

14 (b) REPORT ON CONDITION AND PROGRESS OF EDU-  
15 CATION.—Not later than June 1, 2002, and each suc-  
16 ceeding June 1 thereafter, the Statistics Center shall, in  
17 consultation with the Director and the Board, submit to  
18 the President and the appropriate congressional commit-  
19 tees a statistical report on the condition and progress of  
20 education in the United States.

21 (c) STATISTICAL REPORTS.—The Statistics Center  
22 shall issue regular and, as necessary (as determined by  
23 the Statistics Commissioner in consultation with the Di-  
24 rector), special statistical reports on education topics, par-  
25 ticularly in the core academic areas of reading, mathe-



1 matics, and science, consistent with the priorities and mis-  
2 sion of the Academy and the mission of the Statistics Cen-  
3 ter.

4 **SEC. 156. DISSEMINATION.**

5 (a) GENERAL REQUESTS.—

6 (1) IN GENERAL.—The Statistics Center may  
7 furnish transcripts or copies of tables and other sta-  
8 tistical records and make special statistical compila-  
9 tions and surveys for State and local officials, public  
10 and private organizations, and individuals.

11 (2) COMPILATIONS.—The Statistics Center  
12 shall provide State and local educational agencies  
13 opportunities to suggest the development of par-  
14 ticular compilations of statistics, surveys, and anal-  
15 yses that would assist those educational agencies.

16 (b) CONGRESSIONAL REQUESTS.—The Statistics  
17 Center shall furnish such special statistical compilations  
18 and surveys as the relevant congressional committees may  
19 request.

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



1 (d) FEES.—

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

7 (2) FUNDS RECEIVED.—All funds received in  
8 payment for work or services described in this sub-  
9 section may be used to pay directly the costs of such  
10 work or services, to repay appropriations that ini-  
11 tially bore all or part of such costs, or to refund ex-  
12 cess sums when necessary.

13 (e) ACCESS.—

14 (1) OTHER AGENCIES.—The Statistics Center  
15 shall, consistent with section 184, cooperate with  
16 other Federal agencies having a need for educational  
17 data in providing access to educational data received  
18 by the Statistics Center.

19 (2) INTERESTED PARTIES.—The Statistics Cen-  
20 ter shall, in accordance with such terms and condi-  
21 tions as the Center may prescribe, provide all inter-  
22 ested parties, including public and private agencies,  
23 parents, and other individuals, direct access, in the  
24 most appropriate form (including, where possible,  
25 electronically), to data collected by the Statistics



1 Center for the purposes of research and acquiring  
2 statistical information.

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

4 The Statistics Center may establish one or more na-  
5 tional cooperative education statistics systems for the pur-  
6 pose of producing and maintaining, with the cooperation  
7 of the States, comparable and uniform information and  
8 data on early childhood education, elementary and sec-  
9 ondary education, postsecondary education, adult edu-  
10 cation, and libraries, that are useful for policymaking at  
11 the Federal, State, and local levels.

12 **SEC. 158. STATE DEFINED.**

13 In this part, the term “State” includes each of the  
14 50 States, the District of Columbia, and the Common-  
15 wealth of Puerto Rico.

16 **PART D—NATIONAL CENTER FOR**  
17 **EDUCATION EVALUATION**

18 **SEC. 171. ESTABLISHMENT.**

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

22 (b) MISSION.—The mission of the Evaluation Center  
23 shall be to conduct evaluations of Federal education pro-  
24 grams administered by the Secretary (and as time and re-  
25 sources allow, other education programs) to determine the



1 impact of such programs, especially on student academic  
2 achievement in the core academic areas of reading, math,  
3 and science.

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

5 (a) IN GENERAL.—The Evaluation Center shall be  
6 headed by a Commissioner for Education Evaluation (in  
7 this part referred to as the “Evaluation Commissioner”)  
8 who—

9 (1) shall possess a demonstrated capacity for  
10 sustained productivity and leadership in education  
11 evaluation, and be technically competent in con-  
12 ducting scientifically valid education evaluations;

13 (2) shall oversee all evaluation activities of the  
14 Evaluation Center, the development of evaluation  
15 methodology, the reporting of findings of evaluations  
16 to the public and appropriate congressional commit-  
17 tees, and other duties essential to carrying out the  
18 mission of the Evaluation Center; and

19 (3) shall be appointed for a term of six years.

20 (b) GRANTS, CONTRACTS, AND COOPERATIVE  
21 AGREEMENTS.—In carrying out the duties under this  
22 part, the Evaluation Center, through the Director, may  
23 award grants, enter into contracts and cooperative agree-  
24 ments, and provide technical assistance.



1 **SEC. 173. DUTIES.**

2 (a) GENERAL DUTIES.—

3 (1) IN GENERAL.—The Evaluation Center  
4 shall—

5 (A) conduct evaluations consistent with the  
6 Center’s mission as described in section 171(b);

7 (B) evaluate programs under title I of the  
8 Elementary and Secondary Education Act of  
9 1965;

10 (C) coordinate the activities of the Evalua-  
11 tion Center with other evaluation activities in  
12 the Department;

13 (D) submit to the President and the ap-  
14 propriate congressional committees a report on  
15 the Evaluation Center’s evaluation activities on  
16 an annual basis; and

17 (E) examine and, where feasible, supple-  
18 ment Federal education program evaluations,  
19 particularly those by the Department, to deter-  
20 mine the quality and relevance of the evidence  
21 generated by those evaluations.

22 (2) ADDITIONAL REQUIREMENTS.—Each eval-  
23 uation conducted by the Evaluation Center pursuant  
24 to paragraph (1) shall adhere to the highest possible  
25 standards of quality for conducting scientifically  
26 valid education evaluation.



1 (b) ADMINISTRATION OF EVALUATIONS UNDER  
2 TITLE I OF THE ELEMENTARY AND SECONDARY EDU-  
3 CATION ACT OF 1965.—The Evaluation Commissioner,  
4 through the Director, shall administer all operations and  
5 contracts associated with evaluations authorized by part  
6 E of title I of the Elementary and Secondary Education  
7 Act of 1965 (20 U.S.C. 6491 et seq.) and administered  
8 by the Department as of the date of enactment of this  
9 title.

10 **PART E—GENERAL PROVISIONS**

11 **SEC. 181. DEFINITIONS.**

12 In this title:

13 (1) The terms “elementary school”, “secondary  
14 school”, “local educational agency”, and “State edu-  
15 cational agency” have the meanings given those  
16 terms in section 9101 of the Elementary and Sec-  
17 ondary Education Act of 1965 (20 U.S.C. 7801).

18 (2) The term “applied research” means  
19 research—

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

23 (B) that is specifically directed to the dis-  
24 covery of new knowledge that has as an objec-  
25 tive the improvement of basic academic skills.



1           (3) The term “basic research” means  
2 research—

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

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

9           (4) The term “Academy” means the Academy  
10 of Education Sciences.

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

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

21           (7) The term “Director” means the Director of  
22 the Academy of Education Sciences.

23           (8) The term “dissemination” means the com-  
24 munication and transfer of the results of scientif-  
25 ically valid research, statistics, and evaluations, in



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

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

14 (10) The term “institution of higher education”  
15 has the meaning given that term in section 101(a)  
16 of the Higher Education Act of 1965 (20 U.S.C.  
17 1001(a)).

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

20 (i) apply rigorous, systematic, and objec-  
21 tive methodology to obtain reliable and valid  
22 knowledge relevant to education activities and  
23 programs; and



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

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

6 (i) employing systematic, empirical meth-  
7 ods 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  
14 other designs (to the extent such designs sub-  
15 stantially eliminate plausible competing expla-  
16 nations for the obtained results);

17 (v) ensuring that studies and methods are  
18 presented in sufficient detail and clarity to  
19 allow for replication or, at a minimum, to offer  
20 the opportunity to build systematically on the  
21 findings 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 (12) The term “scientifically valid education  
4 evaluation” means an evaluation that—

5 (A) adheres to the highest possible stand-  
6 ards of quality with respect to research design  
7 and 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  
17 research methodologies that allow for the  
18 strongest possible causal inferences when ran-  
19 dom assignment is not feasible; and

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

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



1 interpretation are soundly developed in accordance  
2 with scientifically based research standards under  
3 this title.

4 (14) The term “Secretary” means the Secretary  
5 of Education.

6 (15) The term “State” includes (except as pro-  
7 vided in section 158 in part C) each of the 50  
8 States, the District of Columbia, the Commonwealth  
9 of Puerto Rico, Guam, American Samoa, the Virgin  
10 Islands, and the Commonwealth of the Northern  
11 Mariana Islands.

12 (16) The term “technical assistance” means—

13 (A) assistance in identifying, selecting, or  
14 designing solutions (including professional de-  
15 velopment and training to implement such solu-  
16 tions) leading to—

17 (i) improved educational practices and  
18 classroom instruction based on scientif-  
19 ically valid research; and

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

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



1 (C) other assistance necessary to encour-  
2 age the adoption or application of scientifically  
3 valid research.

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

5 The Secretary, in consultation with the Director,  
6 shall ensure that the Department and the Academy use  
7 common sources of data in standardized formats.

8 **SEC. 183. PROHIBITIONS.**

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

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

22 (c) ENDORSEMENT OF CURRICULUM.—Notwith-  
23 standing any other provision of Federal law, no funds pro-  
24 vided under this title to the Academy, including any office,  
25 board, committee, or center of the Academy, may be used



1 by the Academy to endorse, approve, or sanction any cur-  
2 riculum designed to be used in an elementary school or  
3 secondary school.

4 (d) **FEDERALLY SPONSORED TESTING.**—

5 (1) **IN GENERAL.**—Subject to paragraph (2), no  
6 funds provided under this title to the Secretary or  
7 to the recipient of any award may be used to de-  
8 velop, pilot test, field test, implement, administer, or  
9 distribute any federally sponsored national test in  
10 reading, mathematics, or any other subject, unless  
11 specifically and explicitly authorized by law.

12 (2) **EXCEPTIONS.**—Subsection (a) shall not  
13 apply to international comparative assessments de-  
14 veloped under the authority of section 153(a)(5) or  
15 section 404(a)(6) of the National Education Statis-  
16 tics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such  
17 section existed on the day before the date of enact-  
18 ment of this title) and administered to only a rep-  
19 resentative sample of pupils in the United States  
20 and in foreign nations.

21 **SEC. 184. CONFIDENTIALITY.**

22 (a) **IN GENERAL.**—All collection, maintenance, use,  
23 and dissemination of data by the Academy, including each  
24 office, board, committee, and center of the Academy, shall  
25 conform with the requirements of section 552a of title 5,



1 United States Code, the confidentiality standards of sub-  
2 section (c) of this section, and sections 444 and 445 of  
3 the General Education Provisions Act (20 U.S.C. 1232g,  
4 1232h).

5 (b) STUDENT INFORMATION.—The Director shall en-  
6 sure that all individually identifiable information about  
7 students, their academic achievements, and their families,  
8 and information with respect to individual schools, re-  
9 mains confidential in accordance with section 552a of title  
10 5, United States, subsection (c) of this section, and sec-  
11 tions 444 and 445 of the General Education Provisions  
12 Act (20 U.S.C. 1232g, 1232h).

13 **SEC. 185. AVAILABILITY OF DATA.**

14 Subject to section 184, data collected by the Acad-  
15 emy, including any office, board, committee, or center of  
16 the Academy, in carrying out the priorities and mission  
17 of the Academy, shall be made available to the public, in-  
18 cluding through use of the Internet.

19 **SEC. 186. PERFORMANCE MANAGEMENT.**

20 The Director shall ensure that all activities conducted  
21 or supported by the Academy or a National Education  
22 Center make customer service a priority. The Director  
23 shall ensure a high level of customer satisfaction through  
24 the following methods:



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

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

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

13          (4) Establishing and measuring performance  
14          against a set of indicators for the quality of data  
15          collected, analyzed, and reported.

16          (5) Continuously improving management strate-  
17          gies and practices.

18          (6) Making information available to the public  
19          in an expeditious fashion.

20 **SEC. 187. AUTHORITY TO PUBLISH.**

21          (a) PUBLICATION.—

22               (1) IN GENERAL.—The Academy, including  
23               each office, board, committee, and center of the  
24               Academy, may prepare, publish, and present (includ-  
25               ing through oral presentations) such research-based



1 information and research reports as needed to carry  
2 out the priorities and mission of the Academy, irre-  
3 spective of whether the Academy has obtained clear-  
4 ance or approval for such preparation and publica-  
5 tion by the Secretary or any other officer of the De-  
6 partment.

7 (2) PROHIBITION OF REVIEW.—No report  
8 issued by the Academy, including any office, board,  
9 committee, or center within the Academy, shall be  
10 subject to review by a Federal office or agency out-  
11 side of the Academy.

12 (b) PEER REVIEW.—All published research, statis-  
13 tics, and evaluations information and reports conducted  
14 by or supported through the Academy, shall be subjected  
15 to rigorous peer review before being published or otherwise  
16 made available and shall include the names of the peer  
17 reviewers.

18 (c) ADVANCE COPIES.—The Academy, including each  
19 office, board, committee, and center of the Academy, shall  
20 provide the Director and Secretary an advance copy of any  
21 information to be published at least 30 days before the  
22 publication.

23 **SEC. 188. VACANCIES.**

24 Any member appointed to fill a vacancy on the Board  
25 occurring before the expiration of the term for which the



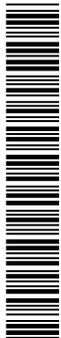
1 member's predecessor was appointed shall be appointed  
2 only for the remainder of that term. A vacancy in an of-  
3 fice, board, committee, or center of the Academy shall be  
4 filled in the manner in which the original appointment was  
5 made. This section does not apply to employees appointed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

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

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

17 (1) at least 30 days before the appointment of  
18 any such employee, public notice is given of the  
19 availability of such position and an opportunity is  
20 provided for qualified individuals to apply and com-  
21 pete for such position; and

22 (2) the appointment of such employee is nec-  
23 essary to provide the Academy with scientific or  
24 technical expertise that could not otherwise be ob-  
25 tained by the Academy through the competitive serv-



1 ice and such necessity can be justified in a clear and  
2 convincing fashion.

3 (b) MAXIMUM NUMBER.—Employees appointed  
4 under this subsection and employed at the Academy at any  
5 particular time shall not exceed 20 percent of the total  
6 employees of the Academy or a total of 60 individuals.

7 (c) MAXIMUM PAY RATE.—An employee appointed  
8 under this section may not be paid at a rate that exceeds  
9 the rate of basic pay for level IV of the Executive Sched-  
10 ule.

11 (d) TERMS.—An employee appointed under this sec-  
12 tion may serve not longer than six years.

13 **SEC. 190. VOLUNTARY SERVICE.**

14 The Secretary, acting through the Director, may ac-  
15 cept voluntary and uncompensated services to carry out  
16 and support activities that are consistent with the prior-  
17 ities and mission of the Academy.

18 **SEC. 191. RESEARCH FELLOWSHIPS.**

19 In order to strengthen the national capacity to carry  
20 out high-quality research related to education, the Direc-  
21 tor shall establish and maintain research fellowships in the  
22 Academy (and which may include the establishment of re-  
23 search fellowships in historically black colleges and univer-  
24 sities, and other institutions of higher education with large  
25 numbers of minority students) that support graduate and



1 postdoctoral study, in particular for women and minori-  
2 ties, with such stipends and allowances, including travel  
3 and subsistence expenses, as the Director may determine  
4 necessary to obtain the assistance of highly qualified re-  
5 search fellows.

6 **SEC. 192. RULEMAKING PROCEDURES.**

7 Section 437(d) of the General Education Provisions  
8 Act (20 U.S.C. 1232(d)) does not apply to regulations pre-  
9 scribed by the Director.

10 **SEC. 193. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-  
12 priated to carry out this title (other than sections 159 and  
13 160) \$400,000,000 for fiscal year 2003 and such sums  
14 as may be necessary for each of the 5 succeeding fiscal  
15 years, of which—

16 (1) no less than the amount provided to the  
17 National Center for Education Statistics (as such  
18 Center was in existence on the day before the date  
19 of the enactment of this Act) shall be provided to  
20 the National Center for Education Statistics, as au-  
21 thorized under part C; and

22 (2) the lesser of 2 percent of such funds or  
23 \$1,000,000 shall be made available to carry out sec-  
24 tion 117 (relating to the National Board for Edu-  
25 cation Sciences).



1 (b) NATIONAL ASSESSMENT OF EDUCATIONAL  
2 PROGRESS.—There are authorized to be appropriated—

3 (1) for fiscal year 2003—

4 (A) \$4,500,000 to carry out section 159  
5 (relating to the National Assessment Governing  
6 Board); and

7 (B) \$107,500,000 to carry out section 160  
8 (relating to the National Assessment of Edu-  
9 cational Progress); and

10 (2) such sums as may be necessary for each of  
11 the 5 succeeding fiscal years to carry out sections  
12 159 and 160.

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

15 **TITLE II—REGIONAL EDU-**  
16 **CATIONAL TECHNICAL AS-**  
17 **SISTANCE**

18 **SEC. 201. SHORT TITLE.**

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

21 **SEC. 202. REGIONAL RESEARCH AND TECHNICAL ASSIST-**  
22 **ANCE.**

23 (a) REGIONAL RESEARCH AND ASSISTANCE.—The  
24 Secretary of the Academy shall—



1           (1) establish, oversee, and coordinate a nation-  
2 wide, regional network of entities authorized to pro-  
3 vide comprehensive applied research, development,  
4 and technical assistance and promote reform initia-  
5 tives to States, local educational agencies, schools,  
6 tribes, community-based organizations, and other  
7 appropriate entities; and

8           (2) in identifying not more than 10 regional  
9 areas of the United States to make up such network,  
10 utilize the geographic regions established under sec-  
11 tion 941(h)(2) of the Education Research, Develop-  
12 ment, Dissemination, and Improvement Act of 1994  
13 (20 U.S.C. 6041(h)(2)) (as such provision existed on  
14 the day before the date of enactment of this title).

15       (b) REGIONAL BOARDS.—Each region referred to in  
16 subsection (a)(2) shall be governed by a regional board  
17 which shall be established by the Governors in consultation  
18 with the chief State school officers in such region. The  
19 membership of such board shall not exceed 25 members,  
20 shall represent a balanced representation of States in the  
21 region and consist of the following individuals:

22           (1) Not more than one representative of each  
23 State educational agency geographically located in  
24 the region.



1           (2) Representatives of local educational agen-  
2           cies, who shall be selected jointly by the Governors  
3           and the chief State school officers in such States  
4           represented by such region and shall include rep-  
5           resentatives of urban and rural areas.

6           (3) Representatives of institutions of higher  
7           education, including individuals representing univer-  
8           sity-based education research, and university-based  
9           research other than education, who shall be selected  
10          jointly by the Governors and the chief State school  
11          officers from the States represented by such region.

12          (4) Parents, who shall be selected jointly by the  
13          Governors and the chief State school officers in such  
14          States represented by such region.

15          (5) Practicing educators, including classroom  
16          teachers, principals, administrators, school board  
17          members, and other local school officials, who shall  
18          be selected jointly by the Governors and the chief  
19          State school officers in such States represented by  
20          such region.

21          (6) Representatives of business, who shall be se-  
22          lected jointly by the Governors and the chief State  
23          school officers in such States represented by such re-  
24          gion.



1           (7) Researchers, who shall be selected jointly by  
2           the Governors and the chief State school officers in  
3           such States represented by such region.

4           (c) SPECIAL RULE.—The number of members on  
5           each such board selected under paragraphs (2), (4), and  
6           (5), collectively, shall total more than those selected under  
7           paragraphs (1), (3), (6), and (7), collectively.

8           (d) PLAN.—Each regional board shall—

9           (1) develop a plan for identifying and serving  
10          the needs of all States within the region by con-  
11          ducting a survey of the educational needs, strengths,  
12          and weaknesses within the region, including a proc-  
13          ess of open hearings to solicit the views and needs  
14          of schools, public charter schools, teachers, adminis-  
15          trators, parents, local educational agencies, librar-  
16          ians, businesses, State educational agencies and  
17          other customers within the region;

18          (2) submit the plan to the Secretary and the  
19          Commissioner for Education Research (established  
20          under section 132 of the Education Sciences Reform  
21          Act of 2002), to assist in making decisions regard-  
22          ing the national priorities within education research;

23          (3) be the sole entity that guides and directs  
24          entities selected under subsection (f)(1)(A) in car-  
25          rying out the provisions of this subsection, satisfying



1 the terms and conditions of their contract awards,  
2 and determining the regional agenda and mission of  
3 such entities;

4 (4) ensure that the entities selected under sub-  
5 section (f)(1)(A) attain and maintain a high level of  
6 quality of the entities' work;

7 (5) establish standards to ensure that each enti-  
8 ty selected under subsection (f)(1)(A) has strong  
9 and effective governance, organization, management,  
10 and administration, and employs qualified staff; and

11 (6) direct each entity selected under subsection  
12 (f)(1)(A) to carry out its duties in a manner that  
13 will make progress toward reforming schools and  
14 educational systems.

15 (e) APPLIED RESEARCH, DEVELOPMENT, DISSEMI-  
16 NATION, AND TECHNICAL ASSISTANCE.—Based on the  
17 plan described in subsection (d), each regional board shall  
18 carry out comprehensive applied research, development,  
19 dissemination, technical assistance, and reform initiatives,  
20 which, at a minimum, shall include—

21 (1) the dissemination of research, information,  
22 products, and publications developed through, or  
23 supported by, the Department of Education, includ-  
24 ing the Academy, to schools, educators, parents, and



1 policymakers throughout the United States, includ-  
2 ing, at a minimum, information related to—

3 (A) the core academic areas of mathe-  
4 matics, science, and reading; and

5 (B) education technology;

6 (2) training and technical assistance to State  
7 educational agencies, local educational agencies,  
8 schools, public charter schools, tribes, community-  
9 based organizations, and other appropriate entities,  
10 in areas which, at a minimum, shall include—

11 (A) the administration and implementation  
12 of programs under the Elementary and Sec-  
13 ondary Education Act of 1965 (20 U.S.C. 6301  
14 et seq.);

15 (B) the implementation of effective  
16 schoolwide programs under title I of the Ele-  
17 mentary and Secondary Education Act of 1965  
18 (20 U.S.C. 6301 et seq.);

19 (C) assistance for the implementation of  
20 teaching methods and assessment tools, based  
21 upon scientifically valid education research, for  
22 use by students, teachers, and administrators,  
23 including, at a minimum, assistance related  
24 to—



1 (i) the core academic areas of mathe-  
2 matics, science, and reading; and

3 (ii) education technology;

4 (D) the provision of education products,  
5 based on scientifically based education research,  
6 in a usable form in order to promote school im-  
7 provement and academic achievement and to  
8 correct educational deficiencies; and

9 (E) the facilitation of communication be-  
10 tween educational experts, school officials, and  
11 teachers, parents, and librarians;

12 (3) applied research projects designed to serve  
13 the particular needs of the region if quality applied  
14 research does not exist as determined by the regional  
15 board, and reflect findings from scientifically valid  
16 research resulting in user-friendly, replicable, class-  
17 room applications geared toward promoting in-  
18 creased student achievement; and

19 (4) the use of applied research to assist in solv-  
20 ing site-specific problems and to assist in develop-  
21 ment activities.

22 (f) AUTHORITY.—

23 (1) IN GENERAL.—To carry out the activities  
24 described in subsection (e), each regional board  
25 shall—



1 (A) enter into contracts with not fewer  
2 than two entities, on a competitive basis, to  
3 provide services under this subsection, and of  
4 such entities—

5 (i) the primary duties of at least one  
6 entity shall include those described in sub-  
7 section (e)(1), (e)(2)(C), (e)(2)(D),  
8 (e)(2)(E), (e)(3), and (e)(4); and

9 (ii) the primary duties of at least one  
10 entity shall include those described in sub-  
11 paragraphs (A) and (B) of subsection  
12 (e)(2); and

13 (iii) at least one of the entities de-  
14 scribed in clauses (i) and (ii) shall be a  
15 nonprofit entity;

16 (B) provide grants or enter into contracts  
17 or cooperative agreements, each of which shall  
18 be on a competitive basis, with organizations or  
19 institutions (whether private or public, for-prof-  
20 it or nonprofit), State educational agencies,  
21 local educational agencies, or institutions of  
22 higher education (or consortia of such entities),  
23 or individuals, with the demonstrated ability or  
24 capacity to carry out the duties under this sub-  
25 section, which may also include entities that



1 carried out activities (before the date of enact-  
2 ment of this title) under any of the following  
3 provisions of law (or their predecessor provi-  
4 sions):

5 (i) Part K of the Educational Re-  
6 search, Development, Dissemination, and  
7 Improvement Act of 1994 (title IX of the  
8 Goals 2000: Educate America Act) (20  
9 U.S.C. 6053 et seq.) relating to Com-  
10 prehensive Regional Assistance Centers (as  
11 such part existed on the day before the  
12 date of enactment of this title).

13 (ii) Part M of such Act (20 U.S.C.  
14 6055 et seq.) relating to the Eisenhower  
15 Regional Mathematics and Science Edu-  
16 cation Consortia (as such part existed on  
17 the day before the date of enactment of  
18 this title).

19 (iii) Part N of such Act (20 U.S.C.  
20 6053 et seq.) relating to Technology-Based  
21 Technical Assistance (as such part existed  
22 on the day before the date of enactment of  
23 this title).

24 (iv) Section 931(c)(1)(B) of such Act  
25 (20 U.S.C. 6031(c)(1)(B)) relating to na-



1 tional research and development institutes  
2 (as such provision existed on the day be-  
3 fore the date of enactment of this title).

4 (v) Section 941(h) of such Act (20  
5 U.S.C. 6041(h)) relating to regional edu-  
6 cational laboratories for research, develop-  
7 ment, dissemination, and technical assist-  
8 ance (as such provision existed on the day  
9 before the date of enactment of this title).

10 (2) OBJECTIVES AND INDICATORS.—Before  
11 making a grant under paragraph (1)(B), the board  
12 shall design specific objectives and measurable indi-  
13 cators to be used to assess the particular program  
14 or initiatives and ongoing progress and performance  
15 to ensure the needs of the region are being met and  
16 that the latest and best research and proven prac-  
17 tices are being carried out as part of school improve-  
18 ment efforts.

19 (3) PRIORITY.—In carrying out activities under  
20 this section, each regional board shall give priority  
21 to—

22 (A) schools with high percentages or num-  
23 bers of students from low-income families, as  
24 determined under section 1113(a)(5) of the Ele-  
25 mentary and Secondary Education Act of 1965



1 (20 U.S.C. 6313(a)(5)), including such schools  
2 in rural and urban areas, and schools partici-  
3 pating in schoolwide programs under title I of  
4 the Elementary and Secondary Education Act  
5 of 1965 (20 U.S.C. 6301 et seq.); and

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

13 (4) OTHER DUTIES.—Each regional board also  
14 shall—

15 (A) have the authority to accept gifts, in  
16 kind contributions, services, or other assistance  
17 to enable expansion and continuous improve-  
18 ment of its activities; and

19 (B) ensure its activities meet the applicable  
20 standards of quality and the needs of the re-  
21 gion;

22 (C) establish such governance, organiza-  
23 tion, management, administration, and employ  
24 such qualified staff as it considers appropriate  
25 to carry out its activities;



1 (D) provide services and conduct activities  
2 using the highest quality and most cost effective  
3 strategies possible; and

4 (E) assure that each of the entities funded  
5 under this section coordinate their activities.

6 (g) FUNDING.—

7 (1) IN GENERAL.—From funds made available  
8 under section 203, the Secretary shall provide each  
9 regional board submitting an application under  
10 paragraph (2) an amount approximate to the level of  
11 funding received by such region or similar region,  
12 under prior regional assistance programs described  
13 under subsection (f)(1)(B), of which not more than  
14 10 percent shall be used for indirect costs using gen-  
15 erally accepted accounting principles.

16 (2) APPLICATION.—Each regional board seek-  
17 ing funds under this section shall submit an applica-  
18 tion, to the Secretary for approval, which shall—

19 (A) describe how the board will carry out  
20 the activities in accordance with this paragraph;  
21 and

22 (B) provide an assurance that the regional  
23 board will give priority in providing services to  
24 the schools and school districts described in  
25 subsection (f)(3);



1 (C) contain such additional information as  
2 the Secretary may reasonably require.

3 (h) COORDINATION.—In order to assure coordination  
4 and prevent unnecessary duplication of activities among  
5 the regions, the Secretary shall establish and maintain a  
6 system—

7 (1) to share information about the activities of  
8 each region;

9 (2) to plan joint activities that meet the needs  
10 of multiple regions;

11 (3) to create a strategic plan for the develop-  
12 ment of activities undertaken by the each region to  
13 reduce redundancy and increase collaboration and  
14 resource-sharing in such activities; and

15 (4) to devise means by which the work of the  
16 individual regions serve national, as well as regional  
17 education needs.

18 (i) EVALUATION.—The Secretary shall provide for  
19 ongoing independent evaluations of the regions in carrying  
20 out the duties of this subsection, the results of which shall  
21 be transmitted to the appropriate congressional commit-  
22 tees and the National Board for Education Sciences (es-  
23 tablished under section 117 of the Education Sciences Re-  
24 form Act of 2002). Such evaluation shall include an anal-  
25 ysis of the services provided under this subsection, the ex-



1 tent to which the region has met the objectives of its plan  
2 submitted under subsection (d), and whether such services  
3 have met the needs of local educational agencies and  
4 schools in the region, including those local educational  
5 agencies and schools described under subsection (f)(3).

6 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to carry out  
8 this title such sums as may be necessary for fiscal year  
9 2003 and for each of the 5 succeeding fiscal years.

10 **SEC. 204. GENERAL PROVISIONS.**

11 Part E of the Education Sciences Reform Act of  
12 2002 applies to this title, as appropriate, except that any  
13 responsibilities assigned solely to the Director of the Acad-  
14 emy of Education Sciences shall be the responsibility of  
15 the Secretary.

16 **TITLE III—AMENDATORY**  
17 **PROVISIONS**

18 **SEC. 301. REDESIGNATIONS.**

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

22 (1) by striking “Center” and “Commissioner”  
23 each place either such term appears and inserting  
24 “Director”;



1 (2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or  
2 evaluation purpose under this title”;  
3

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

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

9 “(1) IN GENERAL.—

10 “(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee may,  
11 for any reason, require the Director, any Commissioner of a National Education Center, or  
12 any other employee of the Academy to disclose  
13 individually identifiable information that has  
14 been collected or retained under this title.  
15  
16

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

24 “(C) APPLICATION.—This paragraph does  
25 not apply to requests for individually identifiable



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

3           (5) by transferring and redesignating sub-  
4           sections (a) and (b) as subsections (c) and (d) of  
5           section 184 of this Act; and

6           (6) by striking the section heading.

7           (b) NATIONAL ASSESSMENT GOVERNING BOARD.—  
8           Section 412 of the National Education Statistics Act of  
9           1994 (20 U.S.C. 9011) is amended—

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

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

16           (3) by striking “Commissioner” each place such  
17           term appears and inserting “Statistics Commis-  
18           sioner”;

19           (4) in subsection (a) by inserting “(carried out  
20           under section 160)” after “National Assessment”;

21           (5) in subsection (e)(1)(A), by striking “section  
22           411(b)(1)” and inserting “section 160(b)(1)”;

23           (6) in subsection (e)(1)(B), by striking “section  
24           411(e)” and inserting “section 160(e)”;



1 (7) in subsection (e)(1)(D), by striking “, in-  
2 cluding the Advisory Council established under sec-  
3 tion 407”;

4 (8) in subsection (e)(6), by striking “section  
5 411(e)” and inserting “section 160(e)”;

6 (9) in subsection (h), by inserting “(5 U.S.C.  
7 App.)” after “Federal Advisory Committee Act”;  
8 and

9 (10) by transferring and redesignating the sec-  
10 tion as section 159 of this Act.

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

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

17 (2) in subsections (a) and (e)(1), by striking  
18 “section 412” and inserting “section 159”;

19 (3) in subsection (a), by striking “(hereafter in  
20 this title” and inserting “(in this part”;

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

24 (5) by transferring and redesignating the sec-  
25 tion as section 160 of this Act.



1 (d) CONTINUATION OF AWARDS.—Part J of the Edu-  
2 cational Research, Development, Dissemination, and Im-  
3 provement Act of 1994 (title IX of the Goals 2000: Edu-  
4 cate America Act) (20 U.S.C. 6052) is amended—

5 (1) in the heading of section 995, by inserting  
6 **“OF CERTAIN MULTIYEAR GRANTS AND CON-**  
7 **TRACTS”** before the period at the end;

8 (2) by inserting “section 941(h) of the Edu-  
9 cation Research, Development, Dissemination, and  
10 Improvement Act of 1994 (20 U.S.C. 6041(h)) (as  
11 such provision was in effect on the day before the  
12 date of enactment of this title) or under” after  
13 “awarded under”;

14 (3) by transferring and redesignating section  
15 995 as section 193 of this Act; and

16 (4) by striking the part heading.

17 (e) CLERICAL AMENDMENTS.—The table of contents  
18 in section 101 is amended—

19 (1) by inserting after the item related to section  
20 158 the following new items:

- “Sec. 159. National Assessment Governing Board.
- “Sec. 160. National Assessment of Educational Progress.”; and

21 (2) by inserting after the item relating to sec-  
22 tion 192 the following new item:

- “Sec. 193. Continuation of awards for certain multiyear grants and contracts.”.



1 **SEC. 302. REPEALS.**

2 The following provisions of law are repealed:

3 (1) The National Education Statistics Act of  
4 1994 (title IV of the Improving America's Schools  
5 Act of 1994; 20 U.S.C. 9001 et seq.).

6 (2) Parts A through E and K through N of the  
7 Educational Research, Development, Dissemination,  
8 and Improvement Act of 1994 (title IX of the Goals  
9 2000: Educate America Act) (20 U.S.C. 6051 et  
10 seq.).

11 (3) Paragraph (4) of section 202(b), section  
12 208, and paragraph (2) of section 401(b) of the De-  
13 partment of Education Organization Act (20 U.S.C.  
14 3412(b)(4), 3419, 3461(b)(2)).

15 **SEC. 303. CONFORMING AND TECHNICAL AMENDMENTS.**

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

22 (b) DEPARTMENT OF EDUCATION ORGANIZATION  
23 ACT.—The table of contents in section 1 of the Depart-  
24 ment of Education Organization Act (20 U.S.C. 3401  
25 note) is amended by striking the item relating to section  
26 208.



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

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

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

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

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

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

17 (1) in section 1111(c)(2), by striking “section  
18 411(b)(2) of the National Education Statistics Act  
19 of 1994” and inserting “section 160(b)(2) of the  
20 Education Sciences Reform Act of 2002”;

21 (2) in section 1112(b)(1)(F), by striking “sec-  
22 tion 411(b)(2) of the National Education Statistics  
23 Act of 1994” and inserting “section 160(b)(2) of the  
24 Education Sciences Reform Act of 2002”;



1           (3) in section 1501(a)(3), by striking “section  
2           411 of the National Education Statistics Act of  
3           1994” and inserting “section 160 of the Education  
4           Sciences Reform Act of 2002”;

5           (4) in section 1117(a)(3), by inserting “(as  
6           such section existed on the day before the date of  
7           enactment of the Education Sciences Reform Act of  
8           2002)” after “Act of 1994”; and

9           (5) in section 9529(b), by striking “section  
10          404(a)(6) of the National Education Statistics Act”  
11          and inserting “section 153(a)(5) of the Education  
12          Sciences Reform Act of 2002”.

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

19          **SEC. 304. EFFECTIVE DATE.**

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

