

PROVIDING FOR IMPROVEMENT OF FEDERAL EDUCATION  
RESEARCH, STATISTICS, EVALUATION, INFORMATION,  
AND DISSEMINATION, AND FOR OTHER PURPOSES

APRIL 11, 2002.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. BOEHNER, from the Committee on Education and the  
Workforce, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3801]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 3801) to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**TITLE I—EDUCATION SCIENCES REFORM**

**SEC. 101. SHORT TITLE.**

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

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

The table of contents for this title is as follows:

Sec. 101. Short title.  
Sec. 102. Table of contents.

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**PART A—ACADEMY OF EDUCATION SCIENCES**

**SEC. 111. ESTABLISHMENT.**

(a) **ESTABLISHMENT.**—There shall be in the Department an Academy of Education Sciences, to be administered by a Director (as provided in section 115) and a board of directors (as provided in section 117).

(b) **MISSION.**—The mission of the Academy is to provide national leadership in expanding fundamental knowledge and understanding of education, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about the condition and progress of education in the United States, educational practices that support learning and improve academic achievement for all students, and the effectiveness of Federal and other education programs. In carrying out this mission, the Academy shall conduct research, evaluation, statistics, and dissemination activities supported by Federal funds through the Academy and ensure that such activities—

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

**SEC. 112. ORGANIZATION.**

The Academy consists of the following:

- (1) The Office of the Director (as set out in section 115).
- (2) The National Board for Education Sciences (as set out in section 117).
- (3) The Office of Educational Resources and Dissemination (as set out in section 119).
- (4) The National Education Centers, which include—
  - (A) the National Center for Education Research (as set out in part B);
  - (B) the National Center for Education Statistics (as set out in part C);
 and
  - (C) the National Center for Education Evaluation (as set out in part D).

**SEC. 113. FUNCTIONS.**

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

- (1) conduct and support scientifically valid research activities, including basic and applied research, statistics activities, scientifically valid education evaluation, development, and dissemination;

(2) disseminate the findings and results of scientifically valid research in education;

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

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

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

**SEC. 114. DELEGATION.**

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

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act may be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress from those authorized by the National Education Statistics Act immediately before the enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

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

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

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

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

(1) the Academy's priorities, as approved by the National Board for Education Sciences under section 116; or

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

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

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

(b) **TERM.**—

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

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

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

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

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

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

(1) administer, oversee, and coordinate the activities carried out under the Academy, including the activities of the National Education Centers; and

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

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

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

(2) To ensure the methodology applied in conducting research, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Academy with such research and activities carried out by other agencies within the Department and the Federal Government.

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

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Academy, consistent with section 117(b)(3).

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

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

(8) To ensure that activities conducted or supported by the Academy are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal educational research activities in the activities of the Academy, including historically black colleges and universities and other institutions of higher education with large numbers of minority students.

(10) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Academy and the regional governing boards and regional entities described in section 203 of the Regional Assistance Act of 2002 to ensure collaboration and resource sharing and reduce redundancy in such activities.

(11) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Academy's activities.

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

(A) a standard by which States may accurately measure the rate at which students drop out of or graduate from secondary schools in the United States (including on-time graduation); and

(B) the use of alcohol or illegal narcotics as contributing factors to incidents of school violence committed by students during the regular school day and while participating in other school-related activities.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than one-fourth of the members of any such group and shall not receive additional compensation for their service as members of such a group. The Director shall ensure that reviewers are highly qualified and capable to appraise educational research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group established under this subsection.

#### SEC. 116. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board (established in section 117) priorities for the Academy (taking into consideration long-term research and development on core issues conducted through the national research and development centers (as defined in section 181)) identifying topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), such as—

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

(2) ensuring that all children reach, at a minimum, proficiency on challenging State academic achievement standards and assessments.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Academy proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Academy and the National Education Centers are consistent with the mission of the Academy.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) **PRIORITIES.**—Before submitting to the Board proposed priorities for the Academy, the Director shall make such priorities available to the public for comment (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

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

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

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

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

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

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

(3) To review and approve procedures for scientific peer review of the activities of the Academy.

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

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Academy.

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

(7) To review and regularly evaluate the work of the Academy, to ensure that scientifically valid research, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

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

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and dissemination of research, consistent with the priorities and mission of the Academy.

(10) To review and advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Academy.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

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

(c) **COMPOSITION.**—

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

(2) **ADVICE.**—The President shall solicit advice on individuals to serve on the Board from the National Academy of Sciences, the National Science Foundation, and the Office of Science and Technology Policy.

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

(A) The Director of the Academy of Education Sciences.

(B) Each of the commissioners of the National Education Centers.

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

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) **APPOINTED MEMBERSHIP.**—

(A) **QUALIFICATIONS.**—Members appointed under paragraph (1) shall be highly qualified to appraise educational research, statistics, evaluations, or development, and shall include individuals from each of the following groups:

(i) Educators, including classroom teachers, principals, and other school administrators.

(ii) Parents.

(iii) Business leaders.

- (iv) Experts and scientists in research, statistics, evaluation, or development, who are recognized in their discipline as highly qualified to represent such discipline.
- (B) SPECIAL RULE.—A majority of the voting members of the Board must be appointed from the groups described in clauses (i) and (iv) of subparagraph (A).
- (C) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—
  - (i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—
    - (I) 4 years for each of five members;
    - (II) 3 years for each of five members; and
    - (III) 2 years for each of five members; and
  - (ii) no member appointed under such paragraph shall serve for more than two consecutive terms.
- (D) EXTENSION OF SERVICE.—A member of the Board may serve after the expiration of the member's term until a successor has been appointed and confirmed, but for no longer than 1 additional year.
- (5) CHAIR.—The Board shall elect a chairperson from among the members of the Board.
- (6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.
- (7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.
- (8) POWERS OF THE BOARD.—
  - (A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.
  - (B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair.
  - (C) DETAIL OF STAFF PERSONNEL.—The Board may arrange for the detail of staff personnel and use the services and facilities of any department or agency of the Federal Government.
  - (D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.
  - (E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board deems necessary to carry out its functions.
- (9) MEETINGS.—The Board shall meet not less than four times each year. The Board shall hold additional meetings at the call of the chairperson or upon the written request of at least six voting members of the Board.
- (10) QUORUM.—A majority of the voting members of the Board shall constitute a quorum.
- (d) STANDING COMMITTEES.—
  - (1) ESTABLISHMENT.—The Board may establish standing committees—
    - (A) to each serve one of the National Education Centers; and
    - (B) to advise, assist, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Centers.
  - (2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—
    - (A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who have been recommended by the Commissioners of each National Education Center and approved by the Board;
    - (B) ex officio members of the Board; and
    - (C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who have been recommended by the Commissioners of each National Education Center and approved by the Board.
  - (3) DUTIES.—Each standing committee shall—

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

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

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) periodically report to the Board regarding the activities of the committee and the applicable National Education Center.

(e) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Academy in carrying out its priorities and mission, especially as they relate to carrying out scientifically valid research, conducting unbiased evaluations, and collecting and reporting accurate education statistics.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that could be taken to enhance the ability of the Academy to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

#### SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT.—The National Education Centers shall each be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board, acting in consultation with the Director. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

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

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

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

#### SEC. 119. OFFICE OF EDUCATIONAL RESOURCES AND DISSEMINATION.

(a) ESTABLISHMENT.—There is established within the Academy an Office of Educational Resources and Dissemination.

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

(1) disseminate information on scientifically valid research, statistics, and evaluation on education to the public, the media, voluntary organizations, and other constituencies, especially with respect to information relating to, at a minimum—

- (A) the core academic areas of reading, mathematics, and science;
- (B) closing the achievement gap between high-performing students and low-performing students;
- (C) educational practices that improve academic achievement and promote learning; and
- (D) education technology, including software;

(2) manage the National Library of Education described in subsection (e), and other sources of digital information on education research; and

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet web-based online database) to schools, educators, parents, administrators, policymakers, researchers, public and private entities, entities responsible for carrying out technical assistance through the Department, and the general public.

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

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner, including the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20

U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act) or the clearinghouse authorized under section 2102(b) of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110));

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

(3) clearly explain the scientifically appropriate and inappropriate uses of—  
 (A) the findings that are disseminated; and  
 (B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(d) CONTINUATION.—The Director shall continue the existing awards of the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act)) for the duration of those existing awards, in accordance with the terms and agreements of such awards.

(e) NATIONAL LIBRARY OF EDUCATION.—There is established within the Office of Educational Resources and Dissemination a National Library of Education that shall be headed by an individual who is highly qualified in library science and shall collect and archive information, including products and publications developed through, or supported by, the Academy, and other relevant and useful education-related research, statistics, and evaluation and other information, projects, and publications that are consistent with scientifically valid research or the priorities and mission of the Academy and are developed by the Department, other Federal agencies, or entities (including entities supported under the Regional Educational Technical Assistance Act).

## **PART B—NATIONAL CENTER FOR EDUCATION RESEARCH**

### **SEC. 131. ESTABLISHMENT.**

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

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

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

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

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

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

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

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

### **SEC. 133. DUTIES.**

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

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

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

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

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Academy, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

- (A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;
  - (B) meets the procedures for peer review established by the Director under section 115(f) and the standards of research described in section 135; and
  - (C) includes both basic research and applied research, which shall include research conducted through field-initiated studies and may include ongoing research initiatives;
  - (5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research initiatives;
  - (6) ensure that research conducted by the Research Center is relevant to education practice and policy;
  - (7) synthesize and disseminate, through the Office of Educational Resources and Dissemination, the findings and results of education research conducted or supported by the Research Center; and
  - (8) prepare and submit to the Director for approval an annual report, as described in section 134, which shall be made available to the public through such means as the Internet.
- (b) **ELIGIBILITY.**—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.
- (c) **EVALUATIVE SUMMARIES OF RESEARCH PRIORITIES.**—
- (1) **IN GENERAL.**—In addition to the duties described in subsection (a), the Research Commissioner shall oversee and support the conduct of evaluative summaries of the education priority areas of each of the national research and development centers (as defined in section 181). Such summaries—
    - (A) shall be completed not later than 1 year after the date of enactment of this Act; and
    - (B) shall be submitted to the Director and the Board to provide assistance on developing and implementing the research plan described in subsection (a)(2).
  - (2) **PREVIOUS EVALUATIONS.**—In carrying out this subsection, the Research Commissioner may use evaluations and assessments of a national research and development center completed before the date of enactment of this Act.
- (d) **EVALUATIVE SUMMARY.**—Each evaluative summary conducted under subsection (c) shall—
- (1) include a detailed description of the findings of the main research and development activities of the national research and development centers;
  - (2) describe how such findings are consistent with scientifically valid research; and
  - (3) describe the implications of such findings for educational practice and school reform.
- (e) **NATIONAL RESEARCH AND DEVELOPMENT CENTERS.**—
- (1) **SUPPORT.**—In carrying out activities under subsection (a)(3), the Director, acting through the Research Commissioner, shall support national research and development centers.
  - (2) **SCOPE.**—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 135(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—
    - (A) continues to address priorities of the Academy; and
    - (B) merits renewal (applying the procedures and standards established in section 135).
  - (3) **LIMIT.**—No national research and development center may be supported under this subsection for a period of more than 10 years without competition.
  - (4) **CONTINUATION OF AWARDS.**—The Director, acting through the Research Commissioner, shall continue awards made to the national research and development centers in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (2) and (3).

**SEC. 134. BIENNIAL REPORT.**

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees and make widely available to the public (including by means of the Internet), a report containing the following:

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

(2) A detailed summary of each grant, contract, and cooperative agreement in excess of \$100,000 funded during the prior fiscal year, including, at a minimum, the amount, duration, recipient, purpose, and goal of the award and its relationship to the priorities and mission of the Academy, the reports and publications produced, and an evaluation of the activities of the Research Center, which shall be available in a user-friendly electronic database.

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

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

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

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

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

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

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) **RESEARCH AWARDS.**—

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

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

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

(i) for reviewing and evaluating all applications for grants and cooperative agreements and bids for contracts that exceed \$100,000; and

(ii) for evaluating and assessing the performance of all recipients of grants, cooperative agreements, and contracts.

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

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts and specify the criteria and factors which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

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

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

**SEC. 151. ESTABLISHMENT.**

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

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

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

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

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

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

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the “Statistics Commissioner”) who shall have substan-

tial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

**SEC. 153. DUTIES.**

(a) **GENERAL DUTIES.**—The duties of the Statistics Center are to collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) successful State and local education reform activities that result in increased academic achievement and narrowing of achievement gaps;

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

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

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

(E) teaching, including—

(i) data on professional development, including a comparison of courses taken in the core academic areas of reading, math, and science with courses in noncore academic areas; and

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

(F) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

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

(i) the relationship between victims and perpetrators;

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

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(H) the financing and management of education, including data on revenues and expenditures;

(I) the social and economic status of children, including their academic achievement;

(J) the existence and use of educational technology and access to the Internet in elementary schools and secondary schools;

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

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

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

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, and disability, when such disaggregated information would facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data;

(5) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations; and

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

(b) **TRAINING PROGRAM.**—The Statistics Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center in order to assist the Statistics Center in carrying out its duties.

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

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

(b) **GATHERING INFORMATION.**—

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

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

(A) from States, local educational agencies, public and private schools, preschools, institutions of postsecondary education, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

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

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

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

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

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

(4) **TECHNICAL ASSISTANCE AND COORDINATION.**—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

**SEC. 155. REPORTS.**

(a) **PROCEDURES FOR ISSUANCE OF REPORTS.**—The Statistics Commissioner, in consultation with the Director, shall establish procedures, in accordance with section 187, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) **REPORT ON CONDITION AND PROGRESS OF EDUCATION.**—Not later than June 1, 2002, and each succeeding June 1 thereafter, the Director, acting through the Statistics Commissioner, shall, with the approval of the Director, submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) **STATISTICAL REPORTS.**—The Statistics Commissioner shall issue regular and, as necessary (as determined by the Director, acting through the Statistics Commissioner), special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and mission of the Academy and the mission of the Statistics Center.

**SEC. 156. DISSEMINATION.**

(a) **GENERAL REQUESTS.**—

(1) **IN GENERAL.**—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) **COMPILATIONS.**—The Statistics Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

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

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

(d) **FEEs.**—

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

(2) **FUNDS RECEIVED.**—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work

or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—

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

(2) INTERESTED PARTIES.—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

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

The Statistics Center may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

**SEC. 158. STATE DEFINED.**

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

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

**SEC. 171. ESTABLISHMENT.**

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

(b) MISSION.—The mission of the Evaluation Center shall be to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (particularly on student academic achievement in the core academic areas of reading, math, and science), to support synthesis and dissemination of results of evaluation research, and to encourage the use of scientifically valid education evaluation throughout the United States.

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

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

(1) shall possess a demonstrated capacity for sustained productivity and leadership in education evaluation, and be technically competent in conducting scientifically valid education evaluations; and

(2) shall oversee all evaluation activities of the Evaluation Center, the development of evaluation methodology, the reporting of findings of evaluations to the public and appropriate congressional committees, and other duties essential to carrying out the mission of the Evaluation Center.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Director, acting through the Evaluation Center, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

**SEC. 173. DUTIES.**

(a) GENERAL DUTIES.—

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

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

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

(C) coordinate the activities of the Evaluation Center with other evaluation activities in the Department;

(D) submit to the President and the appropriate congressional committees a report on the Evaluation Center’s evaluation activities on an annual basis; and

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations.

(2) **ADDITIONAL REQUIREMENTS.**—Each evaluation conducted by the Evaluation Center pursuant to paragraph (1) shall adhere to the highest possible standards of quality for conducting scientifically valid education evaluation.

(b) **ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**—The Director, acting through the Evaluation Commissioner, consistent with the mission of the Evaluation Center under section 171, shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

## **PART E—GENERAL PROVISIONS**

### **SEC. 181. DEFINITIONS.**

In this title:

(1) The terms “elementary school”, “secondary school”, “local educational agency”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms “freely associated states” and “outlying area” have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

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

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

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

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

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

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

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

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

(6) The term “Department” means the Department of Education.

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

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

(9) The term “dissemination” means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public, through the provision of technical assistance, electronic transfer, and other means.

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

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

(12) The term “national research and development center” means a research and development center under section 931(c)(1)(B) of the Education Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6031(c)(1)(B)) (as such provision existed on the day before the date of enactment of this Act).

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

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

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

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

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

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

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

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

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

(17) The term “State” includes (except as provided in section 158 and in the National Assessment of Educational Progress Authorization Act) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(18) The term “technical assistance” means—

- (A) assistance in identifying, selecting, or designing solutions (including professional development and training to implement such solutions) leading to—
  - (i) improved educational practices and classroom instruction based on scientifically valid research; and
  - (ii) improved planning, design, and administration of programs;
- (B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and
- (C) other assistance necessary to encourage the adoption or application of scientifically valid research.

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

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

#### **SEC. 183. PROHIBITIONS.**

(a) **NATIONAL DATABASE.**—Nothing in this title may be construed to authorize the development of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

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

(c) **ENDORSEMENT OF CURRICULUM.**—Notwithstanding any other provision of Federal law, no funds provided under this title to the Academy, including any office, board, committee, or center of the Academy, may be used by the Academy to en-

dorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

**(d) FEDERALLY SPONSORED TESTING.—**

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

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

**SEC. 184. CONFIDENTIALITY.**

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

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

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

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

**SEC. 186. PERFORMANCE MANAGEMENT.**

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

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

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

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

(5) Continuously improving management strategies and practices.

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

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

**(a) PUBLICATION.—**

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

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

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

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

**SEC. 188. VACANCIES.**

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

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

(a) **APPOINTMENT AND PAY.**—The Director may appoint for limited periods of time and fix the pay of certain scientific or technical employees to carry out the functions of the Academy or the office, board, committee, or center, respectively, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, provided that—

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

(2) the Director may not appoint an employee under this subsection unless the employee is necessary to provide the Academy with scientific or technical expertise that could not otherwise be obtained by the Academy through the competitive service and such necessity can be justified in a clear and convincing fashion.

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

(c) **MAXIMUM PAY RATE.**—An employee appointed under this section may not be paid at a rate that exceeds the rate of basic pay for level V of the Executive Schedule, except that not more than 10 individuals appointed under this section may not be paid at a rate that exceeds the rate of basic pay for level IV of the Executive Schedule.

(d) **TERMS.**—An employee appointed under this section may serve not longer than 6 years.

**SEC. 190. VOLUNTARY SERVICE.**

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

**SEC. 191. FELLOWSHIPS.**

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in the Academy and institutions of higher education (which may include the establishment of such fellowships in historically black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study, particularly for women and minorities, with such stipends and allowances (including travel and subsistence expenses) as the Director may determine necessary to obtain the assistance of highly qualified research, evaluation, and statistics fellows.

**SEC. 192. RULEMAKING.**

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

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

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

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

(2) the lesser of 2 percent of such funds or \$1,000,000 shall be made available to carry out section 117 (relating to the National Board for Education Sciences).

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

## TITLE II—REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE

### SEC. 201. SHORT TITLE.

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

### SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 201. Short title.  
 Sec. 202. Table of contents.  
 Sec. 203. Regional educational applied research and technical assistance entities.  
 Sec. 204. Regional advisory committees.  
 Sec. 205. Grants.  
 Sec. 206. Regional entity boards.  
 Sec. 207. Public input.  
 Sec. 208. Priorities and evaluations.  
 Sec. 209. Authorization of appropriations.  
 Sec. 210. General provisions.

### SEC. 203. REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE ENTITIES.

(a) **ESTABLISHMENT.**—The Secretary, through grants, contracts, or cooperative agreements, shall establish and oversee a system of regional educational applied research and technical assistance entities (in this title referred to as “regional entities”) to provide applied research, dissemination, training, technical assistance, and development activities related to the administration and implementation of Federal education programs and other regional education needs to States, local educational agencies, schools, Indian tribes, community-based organizations, and other appropriate entities.

(b) **REGIONS.**—In establishing geographical regions to be served by the regional entities, the Secretary shall serve the same geographical regions as served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act). The Secretary shall support at least two regional entities in each region, and shall allocate to each region for each fiscal year an amount of funds comparable to the amount of funds awarded to serve the needs of that region under prior regional assistance programs under section 3141 and parts A and C of title XIII of the Elementary and Secondary Education Act of 1965 (as such provisions existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)) and the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act).

(c) **TECHNICAL ASSISTANCE, APPLIED RESEARCH, DEVELOPMENT, AND DISSEMINATION.**—The Secretary shall support applied research, development, dissemination, and technical assistance and reform initiatives, which, at a minimum, shall include the following:

(1) Training and technical assistance to State educational agencies, local educational agencies, schools, public charter schools, Indian tribes, community-based organizations, and other appropriate entities, regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(B) scientifically valid research in education on teaching methods and assessment tools for use by teachers and administrators in, at a minimum—  
 (i) the core academic areas of mathematics, science, and reading; and  
 (ii) education technology; and

(C) the facilitation of communication between education experts, school officials and teachers, parents, and librarians, as appropriate.

(2) The dissemination and provision of scientifically valid research, information, reports, and publications that are usable for improving academic achievement, narrowing achievement gaps, and encouraging and sustaining school improvement, to—

(A) schools, educators, parents, and policymakers within the applicable region in which the entity is located; and

(B) the Office of Educational Resources and Dissemination.

(3) Applied research projects designed to serve the particular needs of the region if quality applied research does not exist based on the regional advisory committee’s plan under section 204(c), and that reflects findings from scientifically valid research and results in user-friendly, replicable, classroom applications geared toward promoting increased student achievement.

(4) The use of applied research to assist in solving site-specific problems, to assist in development activities, and to contribute to the current base of education knowledge by addressing enduring problems in elementary and secondary education.

(d) AUTHORITY.—

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

(A) enter into contracts with at least two regional entities for each region described in subsection (b), on a competitive basis, for a 5-year period, to provide services under this title, and of such entities—

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

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

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

(B) provide contracts of not more than a 5-year period, each of which shall be on a competitive basis, with private or public, for profit or nonprofit, research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (c), which may include regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 5801 et seq.) (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(2) APPLICATION.—Each regional entity seeking a contract under this subsection shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require. Each such application shall—

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

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

(3) OBJECTIVES AND INDICATORS.—Before entering into a contract under this subsection, the Secretary shall design specific objectives and measurable indicators to be used to assess the particular program or initiatives and ongoing progress and performance of regional entities to ensure the needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

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

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

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

(3) where appropriate, employ methods through which the activities undertaken by each of the regional entities also serves national interests; and

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

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

(1) shall continue the existing awards of the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act), the Eisenhower Regional Mathematics and Science Education Consortia established under part M of such Act (as such part existed on the day before the date of enactment of this Act), and the Regional Technology in Education Consortia for the duration of those existing awards in accordance with the terms and agreements of such awards; and

(2) may extend for no more than 2 years the awards of the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act).

**SEC. 204. REGIONAL ADVISORY COMMITTEES.****(a) ESTABLISHMENT AND MEMBERSHIP.—**

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

(A) Not more than one representative of each State educational agency geographically located in the region.

(B) Representatives of local educational agencies, who shall be selected jointly by the Governors and the chief State school officers in such States represented by such region and shall include representatives of urban and rural areas.

(C) Representatives of institutions of higher education, including individuals representing university-based education research, and university-based research other than education, who shall be selected jointly by the Governors and the chief State school officers in such States represented by such region.

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

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

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

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

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

(b) **AUTHORITY.**—Each regional advisory committee shall have the authority to accept gifts, in-kind contributions, services, or other assistance to facilitate the committee's activities.

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

(1) develop a 5-year plan for serving the needs of all States and, to the extent practicable, local needs within the region by conducting a survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views and needs of schools, public charter schools, teachers, administrators, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers within the region; and

(2) submit the plan to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, and to the Director of the Academy of Education Sciences, to assist in making decisions regarding the priorities under section 116 of the Education Sciences Reform Act of 2002 and the priorities described under section 208(a).

**SEC. 205. GRANTS.**

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

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

(1) documentary evidence of the entity's approval by the Governor and chief State school officer of each State within the region;

(2) an assurance that the regional advisory committee will comply with the requirements of section 204; and

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

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

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

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

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

(2) not more than 20 other members who are representative of the educational interests in the region served by the regional entity and are selected jointly by the officials specified in paragraph (1) and the Governors of each State within the region, including—

(A) representatives of local educational agencies, including representatives of urban and rural areas;

(B) representatives of institutions of higher education;

(C) parents;

(D) practicing educators, including classroom teachers, principals, and administrators;

(E) representatives of business; and

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

(b) **PLAN.**—Each regional entity board shall develop and submit to the Secretary for approval a plan that addresses the needs identified by the appropriate regional advisory committee under section 204(c)(1). Such plan shall be submitted in a manner and form, and containing such information, as the Secretary may require. Such plan shall be developed to guide the regional entities in carrying out this section and satisfying the terms and conditions of the contract awards, and to assist in making decisions regarding the national priorities within education research.

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

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

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

(3) establish standards to ensure that the regional entities have strong and effective governance, organization, management, and administration, and employ qualified staff;

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

(5) coordinate its activities, collaborate, and regularly exchange information with the Secretary, the Director of the Academy of Education Sciences, the Office of Educational Resources and Dissemination of the Academy, and other appropriate entities including educational service agencies as described in the No Child Left Behind Act of 2001 (Public Law 107–110);

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

(7) give priority to—

(A) schools with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools participating in schoolwide programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

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

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

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

**SEC. 207. PUBLIC INPUT.**

Before entering into a contract under this title, the Secretary shall seek input from Governors, chief State school officers, educators, and parents regarding the

need for applied research, dissemination, training, technical assistance, and development activities authorized by this title in the States to be served and how those needs would be addressed most effectively.

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

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

(b) **EVALUATIONS.**—The Secretary shall provide for ongoing independent evaluations of the regional entities receiving grants, contracts, or cooperative agreements in carrying out the duties under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Academy of Education Sciences. Such evaluation shall include an analysis of the services provided under this title, the extent to which the regional entities have met the objectives of the plans submitted under sections 204(c) and 206(b), and whether such services have met the needs of State educational agencies and local educational agencies and schools in the region, including those local educational agencies and schools described under section 206(c)(7).

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

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

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

**SEC. 210. GENERAL PROVISIONS.**

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

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

**SEC. 301. SHORT TITLE.**

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

**SEC. 302. STATE DEFINED.**

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

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

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

(1) for fiscal year 2003—

(A) \$4,600,000 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) \$107,500,000 to carry out section 303 (relating to the National Assessment of Educational Progress); and

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

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

## **TITLE IV—AMENDATORY PROVISIONS**

**SEC. 401. REDESIGNATIONS.**

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

(1) by striking “center”, “Center”, and “Commissioner” each place any such term appears and inserting “Director”;

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

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

“(1) **IN GENERAL.**—

“(A) **DISCLOSURE.**—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative

agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Academy to disclose individually identifiable information that has been collected or retained under this title.

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

“(C) APPLICATION.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.”;

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

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

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 184 of this Act.

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

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

(1) in subsection (a), by striking “referred to as the ‘Board’” and inserting “referred to as the ‘Assessment Board’”;

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

(3) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”;

(4) in subsection (a) by inserting “(carried out under section 303)” after “for the National Assessment”;

(5) in subsection (b)(2)—

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

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

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

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

(8) in subsection (e)(1)(E), by striking “, including the Advisory Council established under section 407”;

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

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

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

(12) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”;

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

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

(4) in subsection (a), by striking “and with the technical assistance of the Advisory Council established under section 407.”;

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

(6) in subsection (b)(3)(A)—

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

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

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

- (7) in subsection (b)(5), by striking “(c)(2)” and inserting “(c)(3)”;
- (8) in subsection (c)(2)(D), by striking “subparagraph (B)” and inserting “subparagraph (C)”;
- (9) in subsection (e)(4), by striking “subparagraph (2)(C)” and inserting “paragraph (2)(C) of such subsection”;
- (10) in subsection (f)(1)(B)(iv), by striking “section 412(e)(4)” and inserting “section 302(e)(4)”;
- (11) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

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

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

- (1) Paragraph (4) of section 202(b) (20 U.S.C. 3412(b)) is amended to read as follows:
  - “(4) There shall be in the Department a Director of the Academy of Education Sciences who shall be appointed in accordance with section 115(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.”
- (2) Section 208 (20 U.S.C. 3419) is amended to read as follows:

“ACADEMY OF EDUCATION SCIENCES

“SEC. 208. There shall be in the Department of Education an Academy of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 115(a) of that Act.”

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

“Sec. 208. Academy of Education Sciences.”

**SEC. 403. REPEALS.**

The following provisions of law are repealed:

- (1) The National Education Statistics Act of 1994 (title IV of the Improving America’s Schools Act of 1994; 20 U.S.C. 9001 et seq.).
- (2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).
- (3) Paragraph (2) of section 401(b) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

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

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

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

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

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

“Commissioner, National Center for Education Statistics.”

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

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

(1) Section 1111(c)(2) is amended by striking “section 411(b)(2) of the National Education Statistics Act of 1994” and inserting “section 303(b)(2) of the National Assessment of Educational Progress Authorization Act”.

(2) Section 1112(b)(1)(F) is amended by striking “section 411(b)(2) of the National Education Statistics Act of 1994” and inserting “section 303(b)(2) of the National Assessment of Educational Progress Authorization Act”.

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

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

(5) The following provisions are each amended by striking “Office of Educational Research and Improvement” and inserting “Academy of Education Sciences”:

- (A) Section 3222(a) (20 U.S.C. 6932(a)).
- (B) Section 3303(1) (20 U.S.C. 7013(1)).
- (C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).
- (D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).
- (E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).
- (6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking “such Office” and inserting “such Academy”.
- (7) Section 5613 (20 U.S.C. 7283b) is amended—
  - (A) in subsection (a)(5), by striking “Assistant Secretary of the Office of Educational Research and Improvement” and inserting “Director of the Academy of Education Sciences”; and
  - (B) in subsection (b)(2)(B), by striking “research institutes of the Office of Educational Research and Improvement” and inserting “National Education Centers of the Academy of Education Sciences”.
- (8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking “the Office” and inserting “the Academy”.
- (9) Section 9529(b) is amended by striking “section 404(a)(6) of the National Education Statistics Act of 1994” and inserting “section 153(a)(5) of the Education Sciences Reform Act of 2002”.
- (e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting “(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)” after “Act of 1994”.

**SEC. 405. EFFECTIVE DATE.**

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

**PURPOSE**

The purposes of this Act are to provide national leadership in expanding fundamental knowledge and understanding of education; to conduct valid scientific research using standards of research that will result in findings that can be used by classroom teachers to improve academic achievement for all students; to provide the educators and the general public with reliable information about the condition and progress of education in the United States; to evaluate and determine the effectiveness of federal education programs; to establish a culture of scientific inquiry in education research, evaluation and data collection; and to widely disseminate this information to the public.

**COMMITTEE ACTION**

**HEARINGS**

The Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor, and Pensions held a hearing in Washington, D.C. during the first session of the 106th Congress to review federal educational research and evaluation efforts to determine how useful they are in helping States and school districts improve student achievement. The Committee held the hearing, entitled “Overview of Federal Education Research and Evaluation Efforts,” on June 17, 1999.

The Subcommittee on Early Childhood, Youth and Families held two hearings on education research in Washington, D.C. during the second session of the 106th Congress. These hearings explored the need for high quality, scientifically based education research as a means to increase student achievement and reform education. In addition, the hearings focused on the reauthorization of the National Center for Education Statistics (NCES), the National Assessment of Educational Progress (NAEP) and the National Assess-

ment Governing Board (NAGB), and how to provide for the improvement of federal education research, evaluation, information, and dissemination. The Subcommittee held the first hearing, entitled “Options for the Future of the Office of Educational Research and Improvement,” on May 4, 2000 and the second hearing, entitled “Authorization of the National Center for Education Statistics, National Assessment of Educational Progress, and National Assessment Governing Board,” on May 11, 2000.

In addition, on July 26, 2000, the Subcommittee on Early Childhood, Youth and Families considered in legislative session, the “Scientifically Based Education Research, Statistics, Evaluation, and Information Act of 2000 (H.R. 4875).” H.R. 4875 was the predecessor bill to H.R. 3801, the “Education Sciences Reform Act of 2002” which was introduced and considered in the 107th Congress.

The Subcommittee on Education Reform held a hearing in Washington, D.C. during the first session of the 107th Congress to learn how best to strengthen and reform the federal role in education research, evaluation, and dissemination, and to translate education research into practice in the nation’s schools. In the second session of the 107th Congress, the Subcommittee held a hearing to review and hear comments on the reauthorization of the Office of Educational Research and Improvement (OERI). Education leaders testified on the importance of high standards and independence in education research. The hearing held during the first session of the 107th Congress took place on July 17, 2001, and was entitled “From Research to Practice: Improving America’s Schools in the 21st Century.” The hearing held during the second session of the 107th Congress took place on February 28, 2002, and was entitled “The Reauthorization of the Office of Educational Research and Improvement.”

#### LEGISLATIVE ACTION

On February 27, 2002, Representative Michael Castle (R–DE) introduced H.R. 3801, the “Education Sciences Reform Act of 2002.” H.R. 3801 reauthorizes and makes amendments to OERI. H.R. 3801 was drafted on the basis of hearings, the recommendations of the Administration, and the recommendations of other members of the education community.

The Subcommittee on Education Reform considered H.R. 3801 in legislative session on March 13, 2002, and it was favorably reported, as amended, to the Committee on Education and the Workforce by voice vote. The following are descriptions of the amendments adopted to H.R. 3801 during Subcommittee consideration:

- Mr. Castle (R–DE) offered an amendment in the nature of a substitute to H.R. 3801.
- Mr. Keller (R–FL) offered an en bloc amendment to the amendment in the nature of a substitute to H.R. 3801 offered by Mr. Castle.

On March 20, 2002, the Committee on Education and the Workforce considered H.R. 3801 in legislative session and reported it favorably, as amended, to the House of Representatives by voice vote. The following are descriptions of the amendments adopted to H.R. 3801 during Committee consideration:

- Mr. Castle (R–DE) offered an amendment in the nature of a substitute to H.R. 3801.

- Mr. Isakson (R-GA) offered an amendment to make technical changes and restructure the bill's regional technical assistance and applied research system. The Committee adopted the amendment by voice vote.

#### SUMMARY

- H.R. 3801 reauthorizes and amends the current statute governing the Office of Educational Research and Improvement (OERI) of the Department of Education by replacing OERI with a new Academy of Education Sciences, which will provide the infrastructure for the undertaking of coordinated and high quality education research, statistics gathering, program evaluation, and dissemination.
- The Academy would be located within the Department of Education, but would function as a separate office under the direction a Director who would be advised by the National Board for Education Sciences. This will help ensure that the Academy's activities are carried out greatest level of independence and integrity. Following are descriptions of the major provisions of the bill.

#### NATIONAL BOARD FOR EDUCATION SCIENCES

- The National Board for Education Sciences is comprised of fifteen members, appointed by the President and confirmed by the Senate. Ex-Officio members of the board include members of the National Science Foundation, the National Institutes of Child Health and Human Development, the Bureau of Labor Statistics, the Census Bureau, the Director, and the Commissioners of the National Education Statistics, Research, and Evaluation Centers.
- The Board has final approval of the Academy's priorities in research, statistics, and evaluation, and a general advisory role to the Director's day-to-day administration of the Academy, thereby creating a workable system of checks and balances that permits both an independence of function and coherence of operation.

#### ACADEMY OF EDUCATION SCIENCES

- A Director of the Academy will be appointed by the President and confirmed by the Senate, and will replace the current Assistant Secretary for OERI, and serve a six-year term.
- The Director will be responsible for proposing priorities for research, evaluation, and statistics to the Board; overseeing the activities carried out in the Academy for education statistics, research and evaluation, and disseminating information to the public.
- The Director may conduct two studies: measuring student dropout rates and determining how illegal narcotics and alcohol contribute to school violence.

#### OFFICE OF EDUCATIONAL RESOURCES AND DISSEMINATION

- An office is established within the Director's office that will, at a minimum, disseminate information on scientifically valid research on education to the public, especially in the core academic areas of reading, mathematics, science, and educational technology, which may include the continuation of funding to existing clearing-houses.

- The National Library of Education is relocated to this office and will be responsible for streamlining the existing complexities of federal education information collection and archival activities, as well as maintaining a national education library.

THE NATIONAL EDUCATION CENTERS FOR RESEARCH, STATISTICS, AND EVALUATION

- The Academy consists of three National Education Centers: the Center for Education Research, the Center for Education Statistics, and the Center for Education Evaluation.
- A Commissioner appointed by the Director of the Academy heads each Center.

*1. Center for Education Research*

- The National Center for Education Research replaces the five existing education research institutes and is headed by a Commissioner.
- The Commissioner of Education Research, who could serve up to six years, and will provide national leadership in education research, promoting scientifically valid research findings that can lead to improved academic instruction and learning in the classroom.
- All research funded by the Center will be required to meet the requirements of “scientifically valid research standards” as defined in the Act.
- The Commissioner, through the authority of the Director, will develop and carry out a research agenda based upon priorities identified by the Director and approved by the National Board for Education Sciences, which is designed to provide insight into the gaps in research covering the core academic areas.
- The Commissioner, through the authority of the Director, will award contracts, grants, or cooperative agreements to carry out scientifically valid research using objective and measurable indicators, under established standards of research and peer review, including through the continuation of funding to existing national research and development centers.
- Research conducted under the direction of the Research Center will meet the highest standards of professional excellence in education research.
- Research findings will be made widely available to the public through such means as the Internet, through the Academy’s Office of Education Resources and Dissemination, and as part of the report prepared by the Commissioner.

*2. Center for Education Statistics*

- The Act essentially maintains the existing structure of the National Center for Education Statistics (NCES).
- The Commissioner is currently appointed by the President and confirmed by the Senate. Under the Academy, the Director appoints the Commissioner, who could serve up to six years.
- NCES will continue to collect and analyze education information and statistics as it has since it was established in 1867.

### 3. *Center for Education Evaluation*

- The Department of Education is currently charged by Congress to evaluate its own programs. Under the current structure there is insufficient boundaries and quality standards to ensure that the Department produces high quality evaluations that are able to demonstrate whether programs are actually working.
- This Act makes education program evaluation more independent, and sets quality standards to ensure that the studies are rigorous and able to provide Congress and educators with useful information about the effectiveness of federal education programs.
- The Commissioner of the National Center for Education Evaluation will oversee all program evaluations, including the Title I program evaluation, to determine the impact of such programs.
- The Commissioner will be appointed by the Director and could serve up to six years. The Commissioner will be authorized to establish independent review panels for evaluations conducted by the Center to ensure that evaluations are meaningful, rigorous in methodology, timely, and reflective of national priorities as established by the Board.

#### REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE

- Ten regional areas of the United States, as defined in current law, are established to serve the needs of States, districts and schools in that region for technical assistance and applied research.
- The Secretary awards contracts to regional entities on a competitive basis. There will be at least two entities in each region, one providing technical assistance and the other applied research.
- The Secretary will fulfill the terms of the existing contracts of the Eisenhower Regional Mathematics and Science Education Consortia, the Regional Technology in Education Consortia, and the Regional Educational Laboratories.
- A Regional Advisory Committee is established in each region by the Governor in consultation with the chief State school officer, and would conduct a needs assessment, develop a 5-year plan to serve the needs of the States in the region, and submit the plan to the Secretary for approval.
- A board consisting of not more than 20 members, who are representatives of the region, will govern each region's two regional entities that receive a grant from the Secretary.
- The regional entity board will guide and direct the regional entities receiving contracts, ensure high quality work, establish standards and coordinate its activities with other entities in the region, and ensure the entities undertake activities consistent with the plan developed by the Regional Advisory Committee for that region.
- The Secretary shall solicit input from Governors, chief State school officers, educators, and parents to determine the needs of the region.

#### NATIONAL ASSESSMENT GOVERNING BOARD (NAGB) AND THE NATIONAL ASSESSMENT FOR EDUCATION PROGRESS (NAEP)

- The authorities of NAEP and NAGB remain the same as they are in the No Child Left Behind Act of 2001.

## OTHER PROVISIONS

- *Personally identifiable information.*—Personally identifiable information is protected by confidentiality and privacy laws and may not be distributed or disclosed.

- *Prohibition on Federally Sponsored National Testing.*—The Act prohibits funds from being used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized in law. The provision does not apply to international comparative assessments administered to only a representative sample of pupils in the United States and in foreign nations.

- *National Database.*—The Act includes a rule of construction clarifying that nothing in the Act is to be construed as allowing the development of a national database of personally identifiable information on individuals involved in studies or data collection under the Act.

- *Prohibitions on the Department of Education.*—The Act provides that (1) nothing in the Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agencies, or school's curriculum, program of instruction, or allocation of State or local resources, or to mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under the Act; and (2) no funds provided to the Department of Education or to any applicable program may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary or secondary school.

## COMMITTEE VIEWS

At a February 28, 2002, hearing before the Education Reform Committee, Assistant Secretary for the Office of Education Research and Improvement Dr. Russ Whitehurst stated:

We need an invigorated agency that is capable of carrying out a coordinated, focused agenda of high quality research, statistics and evaluation that is relevant to the educational challenges of the nation, and that has sufficient flexibility to adjust to new opportunities and problems when they arise. This is a unique and unparalleled opportunity to begin a process that will make American education an evidence-based field. If we succeed in this task, historians may look back at our actions in the next weeks and months as building the foundation for a new era in learning and teaching, an era that propelled the United States into another century of preeminence.

In the reauthorization of the Office of Educational Research and Improvement (OERI), the Committee has taken a significant step towards this new beginning. As Christopher Cross, former Assistant Secretary for OERI under President H.W. Bush, stated simply, "OERI has never fulfilled its mission." For more than thirty years, since the establishment of the National Institute of Education in 1972, there has been a desire on the part of policymakers at the national level to provide the mechanism for valid research that

would be cumulative and inform education practices at the State and local levels with well-documented findings. The Committee strongly believes there should be much more to show for the thirty years of federally funded education research.

The Committee believes that there is general agreement on the objectives of a Federal research agency, but the achievement of those objectives has been elusive. Dr. Robert Slavin, Co-Director, Center for Research on the Education of Children Placed at Risk, Johns Hopkins University, made this comment that summarizes the general consensus:

OERI (or its successor agency) should be the primary federal funding source for research, development, and dissemination directed at improving the outcomes of schooling. In the long run, it should be judged on one criterion. Is OERI funding and leadership leading to the creation of knowledge, methods, and materials that enable America's educators to improve the outcomes of schooling for all children, especially academic achievement outcomes? To accomplish this goal, OERI will have to support a wide range of types of research, from basic to applied, and it will have to build the infrastructure for research, development, and dissemination of effective programs, with a particular focus on building the talent pool for doing high-quality research in education.

The structure of the primary education research agency has been changed many times, but there has been little, if any, change in outcome. As a result, many have expressed cynicism about restructuring the education research function yet again, likening the effort to rearranging the deck chairs on the Titanic. However, restructuring coupled with serious reform may well save the ship. Thus, the Committee has determined that the mission of the new Academy of Education Sciences will be clear, focused, and empowering, giving the new Director and Board of Education Sciences maximum flexibility in setting policy and priorities as defined in the Act. Moreover, the Committee has also provided the Academy with sufficient funds to conduct high quality research, collect statistical data, and evaluate programs.

The Committee also believes that it will be the quality, understanding, and commitment of the education scientists themselves that will determine whether the Academy of Education Sciences initiates a new chapter in high-quality research. All too often, though, education scientists have not produced high quality work. The February, 2002, issue of the Economist magazine contained an article on social science research that makes a cogent point relevant to this problem, "Social scientists, it is widely thought, do not subject their own hypotheses to any rigorous treatment. Worse, they peddle their untested hypotheses to governments, and try to get them turned into policies." (The Economist Newspaper Limited, London)

However, quality education scientists are a fundamental component to reforming OERI. As the National Research Council has suggested:

Agencies are effective when their culture supports the principles of science. To develop such a culture, the agency

must have an infrastructure that is insulated from political micromanagement, supported by sufficient and sustained resources, and led by staff with top scientific and management credentials who have the flexibility to make decisions and are accountable for them. (Scientific Inquiry in Education, National Academy Press, Washington, DC, November 2001, Pg. 5)

Thus, changing the structure of the Federal research agency is not enough. It is the quality of the researchers, evaluators, statisticians and agency leaders who will help make the difference. However, these experts must be given appropriate and powerful tools and techniques in order to fulfill their promise, and the Academy's. The importance of high-quality research cannot be overstated. Florida Secretary of Education, Jim Horne, highlighted the necessity of valid scientific research conducted at the Federal level this way:

I believe this focus on scientifically-based research may in fact be among the provisions in the new law, which has the most lasting and positive impact toward education reform in this nation. And there is no place where this principle needs to be applied with greater diligence than in the work of the Federal Government's own education research endeavors.

The new Academy of Education Sciences includes the elements necessary to create the culture of science that is so much needed, especially for the most vulnerable of our students.

## TITLE I

### ACADEMY OF EDUCATION SCIENCES

The Academy of Education Sciences would replace OERI, including the six existing National Institutes, each of which is responsible for a congressionally mandated topic area.

A fundamental problem of the current structure of OERI has been the varied and competing tasks that have been assigned to it. As Maris A. Vinovskis, Professor of History at the University of Michigan, pointed out, "Starting in FY 1989, the transfer of many new, but less research oriented programs to OERI meant that the overall budget and focus of the agency shifted still further away from the original concentration on research and development." Further, Christopher Cross testified that "the 1994 reauthorization \* \* \* created a disaster. It has led to less communication and coordination, unhealthy competition for very scarce resources, excess overhead expenses, and Balkanization."

To address these significant organizational dilemmas, the Committee significantly strengthened and clarified the provision directing the Secretary of Education to assign to the Academy only those activities that are consistent with the mission and priorities of the Academy. The Committee believes that it is important that the Academy not be diverted from its primary duties of conducting high quality research, collecting education statistics, and undertaking valid program evaluations.

A Director appointed by the President and confirmed by the Senate will administer the Academy. The Director will serve a six-year term and propose priorities for the Academy, which would be ap-

proved by the National Board for Education Sciences. The Director will appoint the Commissioners of Statistics, Evaluation, and Research, who will lead the three National Education Centers. It is critical, if a culture of science is to be created in the Academy, that the Director be selected from among highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, be an excellent manager, and demonstrate a capacity for sustained productivity and leadership.

The Committee intends section 115(f)(6) regarding the Director's duty to ensure the relevant protections for research subjects be followed, to include applicable guidelines such as those adopted pursuant to the Federal Policy on Research Misconduct published in the Federal Register on December 6, 2000, by the Office of Science and Technology Policy in the Executive Office of the President.

In addition, if the Director conducts the first study listed under section 115(f)(12), the Committee intends for the Director to consider what would comprise an appropriate uniform standard, building upon prior efforts by the Department and the National Research Council, by which States could report dropout and graduation data, as well as examine longitudinal measurements that follow students from 7th grade through graduation from secondary school, and support more accurate and consistent measures that avoid problems such as distinguishing between transfers and dropouts that will allow for meaningful comparisons across schools, districts, and States. Further, if the Director conducts the second study listed in the same section, the Committee intends that the Director review not only illegal narcotics, but also illegal drugs in general, in the context of studying casual factors in student violence, which will provide for a more comprehensive analysis.

Lastly, in order to ensure there is broad and regular public and professional input from the educational field in the planning and carrying out of the Academy's activities, the Director shall solicit and consider the recommendations of education stakeholders.

#### NATIONAL BOARD FOR EDUCATION SCIENCES

The Committee has established a Board with policy authority to consider and approve the priorities of the Academy, based on recommendations from the Director. This fifteen member Board is appointed by the President and confirmed by the Senate. In selecting Board members, the President is to solicit advice on individuals to serve on the Board from the National Academy of Sciences, the National Science Foundation, and the Office of Science and Technology Policy. The Committee intends that the advice of these three institutions be fully considered when Board members are appointed.

The members of the Board are chosen from among individuals who are educators, parents, business leaders, experts, and scientists in research, statistics, evaluation, or development who are recognized within their disciplines as highly qualified to represent such disciplines. It is critical that the leadership of the Board and the Director set a tone of the highest integrity, and are freed from undue political influence and partisan bias.

In particular, the Committee has provided an Academy structure within which the Director is responsible for the day-to-day operations, as well as proposing priorities to the Board. The Board has

final approval of such priorities and a general advisory role to the Director, thereby creating a workable system of checks and balances that permits both an independence of function and coherence of operation. The Committee has set up a structure within which scientists can apply the tools of their profession to develop a body of knowledge that is valid and applicable to education practice, and adheres to the highest standards of research.

The Committee does not intend for the provision in section 118(a) requiring the Director, in appointing Commissioners, to consider individuals recommended by the National Board of Education Sciences, to apply to Commissioners appointed by the first Director of the Academy for Education Sciences before the Board is operational.

#### STANDING COMMITTEES

In current law, there are a number of advisory committees and councils, the duties of which are specified in law, such as the Advisory Council on Education Statistics. This reauthorization of OERI gives a new and important flexibility to the National Board for Education Sciences by providing the authority to establish standing committees to serve, as needed, to advise, assist, consult with, and make recommendations to the Director and the Commissioners of the Academy. Although a majority of the members of the standing committees must be voting members of the National Board for Education Sciences, the Committee also allows experts and scientists in research, statistics, evaluation, or development, who are recognized in their disciplines as highly qualified, to represent such disciplines on the standing committee. The National Research Council, in its report, "Scientific Inquiry in Education," supports this concept by stating:

An advisory collaborative board of researchers, practitioners, business people, and policy makers (perhaps modeled after the National Science Board) could work in collaboration with an agenda-setting committee. The choice of peers with excellent scientific credentials and an ability to think across areas is the key to making this commonly used mechanism work, and depends critically on an ample talent pool of peers. (National Academy Press, Washington, DC, November 2001, Pg. 5)

Too often when advisory committees are specified in law they can become rigid, and often out of touch with the field for which they are assigned to provide advice. The Committee believes that the standing committees specified in this bill will keep advice fresh, allow for changes in those who provide advice, and assist in the development of a culture of science in the Academy.

The Committee has included language, in section 115(g), permitting the Director to establish technical and scientific peer-review groups and scientific program advisory committees to assist and advise the Director in carrying out the activities of the Academy. The Committee encourages the Director to consult with the National Science Foundation and other recognized institutions or organizations in research and science for guidance on establishing a model peer-review group process and on the selection of exceptionally qualified and capable reviewers.

## THE OFFICE OF EDUCATIONAL RESOURCES AND DISSEMINATION

Perhaps one of the most important functions of the Academy is to provide the public with clear, useful, and current information about the findings of research that are developed under its direction. The current system, established primarily through the Educational Resources Information Center Clearinghouses (ERIC), has not achieved its mission and has not been effective. According to Christopher Cross, "While ERIC has been in existence for decades, it has no quality screen. Today, ERIC needs not just an overhaul, but a major reconceptualization." The ERIC system, by any objective standard, is an outdated system incapable of serving the needs of practitioners and policymakers. The purpose and function of this dissemination function is critical to the successful operation of the research, statistics and evaluation functions of the Academy.

A report by the U.S. Department of Education based on the "National Directions in Education Research Planning Conference" described the problem with the current system this way:

Educational research has several communication problems: with educators, with its public, and with policymakers. It has not been aggressive and opportunistic, and has not sold many potential supporters on its real accomplishments, nor upon its growing relevance to the solution of education's chronic and emerging problems. It has not used the media extensively to communicate with its public. (U.S. Department of Education, National Educational Research Policy and Priorities Board, Washington, DC, November 1998)

The Committee believes that by developing a culture of science within the Academy, and providing a mechanism to deliver significant findings of research, evaluation, and statistics, the nation's need for high quality, valid information will be better served.

The Committee has provided for this function to be carried out through the Office of Educational Resources and Dissemination, which is under the Director's authority, and has focused the dissemination effort, at a minimum, to include academic areas such as reading, mathematics, and science, for the purposes of closing the achievement gap, improving student academic achievement, applying technology in the classroom, providing professional development, and administration.

The Committee believes it is especially important to provide this information in a user-friendly, timely, and efficient manner, including regular use of the Internet with on-line, searchable databases. In addition, to ensure that information disseminated under this section is completed in a cost-effective and non-duplicative manner that is responsive to the needs of customers, the Committee recognizes that activities under this section can be conducted through competitively awarded contracts. Clearly, if research is to be useful, it must be widely available to the end user—parents, teachers, principals, and school administrators.

## NATIONAL EDUCATION CENTERS

Within the Academy, there are established three National Education Centers, each managed by a Commissioner appointed by the

Director of the Academy. The Commissioners are selected from among highly qualified individuals who are experts in their field, to direct the work of the Centers.

NATIONAL CENTER FOR EDUCATION RESEARCH

The purpose of the Research Center is to sponsor sustained research efforts, at least half of it long term, in order to develop an accumulation of knowledge and understanding of education, particularly to improve student academic achievement and close the achievement gap between high-performing and low-performing students. The statistics show that a high percentage of minority students are unable to read, or to read with fluency and comprehension, while their non-minority peers are mastering these important skills needed to further their education or get a good job.

The Committee wishes to clarify that the term “integration” used in section 131(b)(2) regarding the Research Center’s mission can mean how research can be integrated with the findings of existing scientifically valid research and scientifically based research standards (as such terms are defined in the Act), and it can mean, in the context of applied research (as such term is defined in the Act), that there should be consideration of how such research can be utilized and translated into practice.

The Committee has made clear that to obtain a base of valid, reliable knowledge, the process of conducting research, evaluation, and data collection must be based on scientifically valid research findings discovered through rigorous, careful inquiry over a long period of time. Dr. E.D. Hirsch, author of *The Schools We Need and Why We Don’t Have Them*, emphasizes this point in the following way:

After many years of educational research it is disconcerting and also deeply significant that we have little dependable research guidance for school policy. We have useful statistics in the form of test scores that indicate the achievement level of children, schools, and districts. But we do not have reliable causal interpretations of these data that could lead to significant improvement. Richard Feynman in his comment on “Cargo Cult Science” identifies part of the reason for this—that educational research dutifully adopts the outward forms of science without attaining to its essence. For Feynman, the essence of good science is doing whatever is necessary to get to reliable knowledge. (“Basing Education Policy on Research?”, Forthcoming 2002, Pg. 1)

To obtain valid, reliable knowledge, the Commissioner must ensure that research conducted under the supervision of the Center is consistent with the priorities and mission of the Academy, meets the procedures for peer review established by the Director, and adheres to the standards of research specified in the bill. The February 28, 2002, issue of the *Economist* magazine makes a relevant comparison between medical research and educational research:

Governments require sellers of new medicines to demonstrate the safety and effectiveness of their products. The accepted “standard” of evidence is a randomized controlled trial, in which a new drug is compared with the best exist-

ing therapy (or with a placebo, if no treatment is available) \* \* \* [which] reduces the risk that wishful thinking or other potential biases may influence the outcome. Drug trials must also include enough patients to make it unlikely that chance alone may determine the result. Yet the medical industry is held to a higher standard of evidence than that to which governments hold themselves. This is bad, because, as Carol Fitz-Gibbon, a Campbell Collaboration participant from Durham University, in England, points out, school education amounts to about 15,000 hours of compulsory treatment. Some 11,000 experimental studies are known in the social sciences (compared with over 250,000 in the medical literature). (The Economist Newspaper Limited, London)

The Committee requires an evaluative summary of research to determine a base from which further inquiry can be launched. The Committee also recognizes that the work that is currently being done under some of the National Research and Development Centers, still needs to be supported, since much of this research is being conducted over a period of many years and is, in some instances, of excellent quality. However, the Committee makes clear that competition is a critical element in any contractual agreement and that flexibility for the Director and the Board to set national research priorities is essential. In addition, all research conducted under the Research Center, and their contractors shall follow the scientifically based standards of research established in the bill.

#### THE NATIONAL CENTER FOR EDUCATION STATISTICS

The Committee recognizes that the National Center for Education Statistics (NCES) has a long and proud tradition, reaching back to the middle of the 19th Century. This tradition of quality data collection must be continued and strengthened. The mission of the NCES remains consistent with current law, as do most of the Center's duties, from statistical data collection to issuing statistical reports on the progress and condition of education in the United States.

However, the Committee has given the Director of the Academy the authority to appoint a Commissioner who has substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center. Although this may be regarded by some to be a significant change to current law, the Committee would point out that the position of the Director of the National Center for Education Statistics has frequently been vacant, and until recently was filled by an acting director who was, and is now again, a career civil servant. Consequently, the effect of this change is intended to be minimal, and is consistent with the position of the other Center Commissioners. It is the Committee's intent that the Statistics Commissioner be an expert in the field of education statistics and a capable manager of the Center, who will continue and expand upon the excellent operation and reputation of NCES.

The Committee is insistent that the standards of data collection shall remain high, the release of information timely, and the content unbiased and free of political influence. Requirements for uniform statistical information and data on early childhood, elemen-

tary, secondary, postsecondary, and adult education are maintained and clarified. Further, the Committee intends that the Statistics Commissioner and the Statistics Center, in carrying out its duties, shall only collect statistical information and data that is related to and impacts academic achievement and shall not evaluate or assess personal or family beliefs and attitudes.

Moreover, it is the intent of the Committee that the Statistics Center continues to administer the National Assessment of Educational Progress as it has done under current law.

The Committee's intent is to keep the Statistics Center functioning in the same high-quality and consumer-friendly way it has in the past. Indeed, the Committee's goal is to ensure the Statistics Center continues to live up to the words of Dr. Pascal Forgione, former Director of the National Center for Education Statistics:

NCES has acquired a reputation for trustworthy data and long-range planning that has enabled it to meet its mandate. Its activities are driven by the responsibility to meet the needs of various audiences, among who are teachers, policymakers, researchers, the media, the general public, and most certainly legislators. As such, one of its primary goals is to ensure that the data produced can reliably answer important questions relevant to major decisions of education policy, programs, and practice.

The Committee also encourages the Center on Statistics to assist States in the collection of data that will measure the progress of students in advancing from grade six through grade twelve, with particular attention placed on the transition between eighth and ninth grade.

#### THE NATIONAL CENTER FOR EDUCATION EVALUATION

The Committee has established a new Center for Evaluation to conduct evaluations of Federal education programs administered by the Secretary, and, as time and resources allow, other education programs; to determine the impact of such programs, especially on student academic achievement in the core academic areas of reading, math, and science; and to support synthesis and dissemination of the results of such evaluations.

For too long, the evaluation functions at the Department of Education could be characterized as disorganized, conflicted, and inadequate. Christopher Cross characterized the situation this way:

Indeed, within the Federal government—even within the U.S. Department of Education—there are multiple pockets \* \* \* of program evaluation (some quite large) that, in all honesty, are often research masquerading under a different title. If all of these pockets were stitched together, one would have a large, if unsightly, garment.

The Committee believes the Evaluation Center is an integral and essential component of the Academy. Too often Federal programs do not rest on sound scientific evidence when they are established, and once they are in place very little is done to determine if they are having the desired impact on improving education practice, or closing the achievement gap. The Economist quotes Thomas Cook, a pioneer of controlled experiments in education at Northwestern

University in Chicago, who suggests that “much of the opposition to experimental evaluation stems from a common philosophical malaise among social scientists, who doubt the validity of the natural sciences, and therefore reject the potential of knowledge derived from controlled experiments.”

To be fair, the Committee recognizes that longitudinal, experimental studies of this nature are costly. However, over time they will produce valuable, and useful information for policy makers at all levels of government. They will allow for the avoidance of the widespread adoption of misguided ideas that are not based on sound science.

#### GENERAL PROVISIONS

General definitions are provided in this section to clarify the intent of the law. The Committee believes that one of the most significant components of this bill is the definition of “scientifically based research standards.” This definition sets a high bar for all activities in the Academy, including research, data collection, and evaluation. In previous revisions of the law reauthorizing OERI, there has been a good faith effort to improve the quality of research developed under the Office. However, there is also general agreement that the products of this thirty-year effort still can be much improved. The Committee, therefore, has made clear that high standards are essential, and has taken the further step of defining “scientifically based research standards” in law, in much the same way that the term “scientifically based research” was defined in the No Child Left Behind Act of 2001 (NCLBA). The only substantive difference between the two definitions is that in the case of the Education Sciences Reform Act, the definition is for the standards of scientifically based research, which means that this definition applies to the conduct of research, instead of the outcome of the research. However, the Committee wishes to stress that the use of scientifically based research standards, as defined in this Act, in the Academy and in the field will result in products and services that conform to the scientifically based research definition under the NCLBA.

The Committee recognizes that unless there is a change in the culture of science at the Academy, substantive change in the quality of research, evaluation, or data collection is unlikely. The public is demanding higher standards for public schools, and it is a Federal responsibility to conduct the research needed to inform policy makers of what works and what doesn’t. We stand at a crossroads, with a unique opportunity to put aside the fads of the past century, embrace the findings of valid research on education, and begin the 21st Century determined to base policy and practice on sound science.

Dr. Reid Lyon, Chief of the Child Development and Behavior Branch of the National Institute of Child Health and Human Development, a division of the National Institutes of Health, testified before the Subcommittee on Education Reform in March of 2001 and made the following statement:

This is a time of great opportunity for the Federal and State governments, local educational agencies, teachers, and parents to work together toward the common objective

of eliminating the reading deficit in America. Through scientific inquiry, we have identified the elements of an optimal reading program. We know how to measure a child's progress toward reading with fluency and comprehension. We know how to assist teachers in acquiring the skills necessary to teach reading effectively. We know how to reach the most vulnerable children in our nation with the essential skills they need to learn to read. All that remains now is to apply what we have learned in America's classrooms.

The Committee recognizes that research in reading surpasses that of almost every other discipline in education, and that further inquiry into math, science, and other areas of education is essential if we are to provide a high quality education for all the citizens of America. The Committee also recognizes that it is the scientists who conduct the evaluations, collect and analyze the data, and continue the research inquiry into important education questions that will ultimately determine whether this reauthorization of the Federal education research effort is successful. Dr. E.D. Hirsh makes a powerful case for this requirement:

One of the most useful ways to spend money in education would be to induce the best, most disinterested cognitive scientists to synthesize what is dependably known about learning in a form that can have direct practical application to schools. A conclusion they will surely reach is one that common sense could have predicted quite apart from research—that because learning is slow and cumulative, we need to translate our knowledge into policies that insure year-to-year coherence in the experiences offered to children. (“Basing Education Policy on Research?”, Forthcoming 2002, Pg. 16)

#### PROHIBITIONS

The Committee has established important privacy safeguards in this bill. No national data base of individually identifiable information shall be established by the Academy, or by any contractor of the Academy; no curriculum shall be established; nor shall any specific curriculum be endorsed; no Federal testing shall be conducted, except as authorized by Congress.

The Committee intends that section 183(c) regarding the prohibition on endorsing curriculum does not prohibit the Academy from identifying and disseminating information about successful or promising instructional educational practices, to the extent practicable, based upon scientifically valid research and scientifically based research standards.

The Committee does not intend that section 183(d) regarding the prohibition on federally sponsored testing to apply to ongoing data collection efforts, including the adult literacy assessment, the early childhood longitudinal study, and the national education longitudinal study conducted under the Academy's predecessor provisions for OERI, as these are tools to collect data for research purposes and are not national academic tests per se.

Confidentiality standards are strengthened for all collection, maintenance, use, and dissemination of data by the Academy, including each office, board, committee, and center of the Academy.

Student information is protected and remains confidential under the Pupil Privacy Act and the Family Educational Rights and Privacy Act. These provisions now apply to the entire Academy, and not just the National Statistics Center.

#### SCIENTIFIC OR TECHNICAL EMPLOYEES

As Christopher Cross pointed out, “One thing that has been lost over the last 25 years is the ability to bring in distinguished scholars for periods ranging from a few months to two years.” To address the general lack of high quality scholars, the Committee has provided the Director of the Academy with the ability to appoint, for limited periods of time, scientific or technical employees to carry out the core functions of the Academy, specifically conducting research. The Director must be able to justify the appointment of such employees in a clear and convincing fashion. Up to sixty such highly qualified individuals may be hired for these purposes, but the Committee urges caution here.

With greater flexibility comes increased responsibility on the part of the Director of the Academy. Care must be taken to ensure that individuals brought into the Academy are of the highest quality, and understand the mission of the Academy and the standards of research, evaluation, and data collection that reflect the field of science they represent. In addition to these employees there is a need to strengthen the national capacity to carry out high-quality research by maintaining a research fellowship program to include historically black colleges, universities, and other institutions of higher education with large numbers of minority students, such as Hispanic serving institutions.

## TITLE II

### REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE

The need for an effective regional applied research and technical assistance function was stated clearly by Ann L. Bryant, Executive Director, National Schools Boards Association, who testified on February 28, 2002, that:

The federal research agenda must be aimed in the broadest sense toward raising student achievement. There must be research into instructional methods and strategies that focus on what works and what does not work. And equally important, the research must be usable by the practitioners. Teachers, administrators, and school board members have different roles within a school district, but they all need reliable, high-quality information in a format that works for them.

The current federal delivery system of technical assistance and applied research is, for the most part, ineffective, unknown, and disorganized. In many instances, the customers of technical assistance and applied research—States, districts, schools, teachers, and parents—don’t even know these services are available. In those instances where the customers are aware of these products and services, some have consistently indicated that such assistance has

marginal impact and does not have a solid research base, let alone scientifically based research.

In fact, experts and policymakers have stated that the current system has uneven quality and performance and is in need of reform. Maris Vinovskis stated that “\* \* \* the public and policy makers still have not received the adequate and reliable information needed to ensure that all our children have a real chance of succeeding in school.” Christopher Cross has said, “One of the problems faced at all levels is that the average consumer of information simply doesn’t know whom to believe, or what research to trust.”

Further, in perhaps one of the most critical reviews of the current system, Christopher Cross testified that, “Currently, the U.S. Department of Education operates a confusing array of technical assistance arms, ranging from the OERI labs to similar organizations in Title I and in special education. Although some attempts have been made to merge them, most of these technical assistance arms still remain; and because of the way they are structured, a school or district might receive different information about the same or similar problems from different providers.”

In addition, the National Directions in Education Research Planning Conference report had this to say:

The most prominent [problem] is that educational research has yet to find a way to relate effectively with the teachers and other educators or policymakers whom it serves \* \* \* neither practitioners nor policymakers are able to judge the significance of any particular research enterprise or result. Educators need clear straightforward statements of ‘what the research says’ even as they accept the responsibility for adapting its implications in the context. Scholarly syntheses appear regularly in the many subdisciplines of educational research, but they are rarely drawn together across disciplines or focused on the needs of the users in policy and practice. (U.S. Department of Education, National Educational Research Policy and Priorities Board, Washington, DC, November 1998)

However, some have found assistance through existing regional education laboratories and the comprehensive regional assistance centers to be helpful and found these institutions to be responsive to their needs, as Dr. Douglas Christensen, Commissioner, Nebraska Department of Education, testified at the February 28, 2002 hearing.

Indeed, the Department’s own evaluation of the regional education laboratories and the comprehensive regional assistance centers pointed out serious flaws in their service to the customers in the regions. For example, each regional education laboratory was cited for not demonstrating the impact of their work on student outcomes. In addition, a common recurring thread is that customers were not aware of the services, the regional education laboratories or comprehensive regional assistance centers were not responsive to customer concerns and needs, and the regional education laboratories and comprehensive regional assistance centers did not ensure their products and services were useful, timely or effective. However, this same evaluation found the products and

services requested by customers of the regional education laboratories were frequently utilized.

Further, the Department's evaluations attempt to paint a general picture of the centers, but it is clear that some centers are performing better than others, and the poor performers should not benefit from the strengths of other centers. For example, "the reviewers found a number of study designs that limited the generalizability of practical applications of the research findings. Often, for example, a study would examine a number of exemplary sites with no control groups or contrasting case studies. \* \* \* As one review panel put it, the center's research must be conceptualized in ways that lead to knowledge that will help the improvement of teaching for all students, not just those fortunate enough to have exemplary teachers or go to exemplary schools." In addition, "[There were a] significant number of places and issues where the center is unwisely not accepting the signals that this work is not amounting to much." (Interim Evaluation of the Regional Educational Laboratories, U.S. Department of Education, Decision Information Resources, Inc., Washington, DC, December 1999)

Consequently, the Committee undertook a reorganization and reform of the current structure and intends for this Title of the Act to be a critical component of the Department's efforts to provide States, districts, schools, teachers, and parents with high-quality, timely, and relevant technical assistance and applied research.

The Regional Educational Applied Research and Technical Assistance Act is to be implemented by the Secretary and located in the Department. Although the Director and the Academy are to be apprised of the needs of the regions and the Secretary's contracting decisions, the authority to oversee regional applied research and technical assistance lies exclusively with the Secretary.

Ten regions of the nation, as they are defined under current law (section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994), are established to serve the needs of the States, districts and schools in that region for technical assistance and applied research.

A regional advisory committee is established in each region by the Governor in consultation with the chief State school officer, and will conduct a needs assessment, develop a 5-year plan to serve the needs of the States in the region, and submit the plan to the Secretary for approval. To establish the regional advisory committees, the Secretary is authorized to provide startup grants not to exceed \$150,000 and one-year in duration. The committees will use the funds to conduct a survey of regional needs, including a process of open hearings to solicit input and advice from the stakeholders and customers in the region. The regional advisory committees are to submit these identified needs to the Secretary, and then remain inactive until the end of the five-year plan, whereupon they will be reconstituted by the Governors and chief State school officers to develop the next 5-year plan.

The Secretary will award contracts to regional entities on a competitive basis to reflect the needs identified in the survey of regional needs completed by the regional advisory committees. The Secretary will contract with at least two entities in each region—one providing technical assistance and the other applied research. The technical assistance entity is charged with providing States,

districts and schools with assistance in administering and implementing programs and activities under the No Child Left Behind Act. Moreover, the applied research entity will focus on providing scientifically valid education research on improving academic achievement and narrowing achievement gaps generally, and, at a minimum, on teaching and assessment tools in the core academic areas of reading and math. Importantly, the Committee notes that the regional applied research entity is to carry out applied research in those areas where quality applied research does not already exist in the region (as determined under the regional advisory committee survey of needs).

Entities wishing to serve the needs of the region and enter into contracts with the Department must submit an application to the Secretary. To facilitate a transition from the old system to the new, entities with existing contracts with the Secretary are allowed to complete them under existing terms and conditions. For example, the Eisenhower Regional Mathematics and Science Education Consortia, the Regional Technology in Education Consortia, and the Regional Educational Laboratories would continue their existing contracts. The Comprehensive Regional Assistance Centers, whose contracts end in 2002, could be extended for another 2 years.

Before entering into contracts with regional entities, the Secretary must develop specific objectives and measurable indicators to assess the progress and performance of contractors. Each regional entity that receives a grant from the Secretary will be governed by a board consisting of not more than 20 members, who are representatives of the region. There will be one regional entity board in each region that is the sole entity to oversee the activities of the regional entities receiving contracts from the Secretary. The regional entity board will guide and direct the regional entities receiving contracts, ensure high quality work, establish standards and coordinate its activities with other entities in the region, and ensure the entities undertake activities consistent with the plan developed by the regional advisory committee for that region. In addition, the regional entity boards are to ensure the entities give priority to schools and districts with high percentages or numbers of low-income students and schools that have been identified for school improvement under section 1116 of the No Child Left Behind Act.

The Committee has also required the Secretary to solicit public input, including from Governors, chief State school officers, educators, and parents before entering into a contract under this Act. In addition, it should be noted that the Committee intends that the Department, the Academy, or any grant, contract or cooperative agreement recipient avoid creating products that are duplicative of high quality, research-based products that already exist in the marketplace. Finally, to help ensure that regional entities serve the needs of the regions through high-quality and responsive assistance and research, the Secretary is to provide for ongoing, independent evaluations of the regional entities, the results of which are to be transmitted to Congress and to the Directory of the Academy of Education Sciences.

The Committee notes that the freely associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall remain eligible for technical assist-

ance under Title II of this Act to the extent such technical assistance is provided to the States and local governments of the United States for which a freely associated State was eligible on October 1, 1999. However, the Committee notes a difference between Hawaii and the other outlying areas and the freely associated States based upon the compacts that exist in law for the freely associated States. The Committee intends that the freely associated States be represented on the regional advisory committee described in section 204 and regional entity boards described in section 206 on a representative basis, taking into consideration their external association with the United States, so that they do not exceed the representation of the outlying areas in the region or of Hawaii.

The Committee believes it has made great progress toward creating a regional technical assistance and applied research system that answers Ann Bryant's concerns:

The ESEA contains more than one hundred references to "scientifically based research." The bar has been raised for school districts to have programs that meet the detailed definition of scientifically based research. Many questions exist as to exactly how many programs and practices meet this new requirement and how much research exists to support this requirement, which underscores the need for adequate funding for high quality educational research that is disseminated to local practitioners.

### TITLE III

#### THE NATIONAL ASSESSMENT GOVERNING BOARD (NAGB) AND THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS (NAEP)

The Committee intends that there be no change and has no intention of creating a perception of change in the relationship between the Secretary of Education, the Assistant Secretary for OERI (the Director under this legislation), and the National Assessment Governing Board from that described in current law. Also, the Committee does not intend for there to be any change in the manner in which the Commissioner of Education Statistics administers NAEP. The Center for Statistics will continue to provide the technical expertise for the collection of sample test data on student progress in reading, math, science and other subjects as time and money allow.

The Committee transfers current sections 411 and 412 of the National Education Statistics Act of 1994 (as amended by the No Child Left Behind Act of 2001), relating to the National Assessment of Educational Progress and the National Assessment Governing Board, to title III of the bill without amendment, except for editorial changes needed to reflect the terminology and structure (i.e., the lack of an Advisory Council on Education Statistics) of the Academy established by title I of the bill. The Committee has done this to highlight the important role of the National Assessment in monitoring the academic achievement of all students, which was fully considered in the recently enacted No Child Left Behind Act. As stated in section 114(a)(2) of the bill, in establishing the Academy, the Committee does not intend to alter or diminish in any way the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment

from that authorized by current law, which was also fully considered as part of the No Child Left Behind Act.

#### CONCLUSION

Flexibility, competition, resources, high standards of research, a focused agenda, and establishing a culture of science are all ingredients of this new effort to strengthen the Academy of Education Sciences. The Committee's vision is to reform OERI and the federal role in research, statistics, and evaluation from a situation where, as Dr. Reid Lyon described it:

The investments we have made in research for the last 30 years have been investments that have been realized by mediocrity, by limited rigor, and by a misunderstanding on a large part of the research community how in fact to even do the research we drastically need. It is no wonder that teachers have no trust in having research guide their practice, because research that is not done well, that is not of good quality, does not inform and should not be trusted.

Instead, it is the Committee's view that the new Academy will help identify and offer solutions to improving academic achievement for all children and closing achievement gaps.

Finally, research has confirmed what Euclid told King Ptolemy: there is no royal road to learning. Learning is cumulative, and at first it is slow. Knowledge gradually builds on knowledge; the principle behind intellectual capital is that it takes knowledge to make knowledge. Because of the cumulative character of learning, the educational conditions of early life exercise a very powerful influence on later competencies. Small early deficits tend to become large deficiencies in later life; conversely, small initial advantages tend to grow into large ones later. (E.D. Hirsch, *The Schools We Need: and Why We Don't Have Them*, Doubleday, New York, 1996, Pg. 225)

#### SECTION-BY-SECTION ANALYSIS

##### TITLE I—EDUCATION SCIENCES REFORM

Section 101—states the short title as the “Education Sciences Reform Act of 2002.”

Section 102—contains the table of contents for this title.

##### *Part A—Academy of Education Sciences*

Section 111—establishes an Academy of Education Sciences (Academy) within the Department of Education (Department), to be administered by a Director and a board of directors, and sets forth the Academy's mission.

Section 112—contains the organizational structure of the Academy.

Section 113—sets forth functions of the Academy.

Section 114—sets forth provisions regarding the delegation of authority from the Secretary of Education to the Director of the Academy.

Section 115—sets forth provisions regarding the Office of the Director, including the Director's appointment, term of service, com-

compensation, qualifications, duties, and option to establish technical and scientific peer-review groups and scientific program advisory committees that would offer expert guidance and assistance in carrying out this title.

Section 116—contains provisions pertaining to the Academy’s priorities.

Section 117—establishes a board of directors for the Academy to be known as the National Board for Education Sciences (Board) and contains provisions regarding its duties, composition, procedures, option to establish standing committees, and obligation to submit a report on the effectiveness of the Academy in carrying out its priorities and mission and a report regarding any recommendations that relate to actions that could be taken to enhance the Academy’s ability to carry out its priorities and mission.

Section 118—sets forth provisions pertaining to the appointment of Commissioners for the National Education Centers by the Director and sets forth provisions for the Commissioners’ compensation, qualifications, service, and removal.

Section 119—establishes within the Academy an Office of Educational Resources and Dissemination and sets forth provisions for its duties, requires the Director to continue the existing awards of the Educational Resources Information Center Clearinghouses, and further establishes a National Library of Education within the Office.

*Part B—National Center for Education Research*

Section 131—establishes within the Academy a National Center for Education Research (Research Center) and sets forth its mission.

Section 132—states that a Commissioner for Education Research (Research Commissioner) shall head the Research Center and contains requirements for the Research Commissioner’s qualifications.

Section 133—states the general duties for the Research Commissioner; determines eligibility for recipients of contracts, grants, or cooperative agreements from the Research Center; sets forth provisions for evaluative summaries of research priorities; and contains provisions pertaining to national research and development centers.

Section 134—sets forth provisions regarding a biennial report.

Section 135—contains provisions regarding standards for conduct and the evaluation of research, sets forth provisions pertaining to the awarding of funds for research, and establishes provisions regarding long-term research.

*Part C—National Center for Education Statistics*

Section 151—establishes within the Academy a National Center for Education Statistics (Statistics Center) and sets forth its mission.

Section 152—states that a Commissioner for Education Statistics (Statistics Commissioner) shall head the Statistics Center and contains requirements for the Statistics Commissioner’s qualifications.

Section 153—states the general duties of the Statistics Center and contains provisions regarding a training program.

Section 154—sets forth provisions for the performance of duties regarding contracts, grants, and cooperative agreements; and contains provisions pertaining to information gathering.

Section 155—requires the Statistics Commissioner, in consultation with the Director, to establish procedures for the issuance of reports, and sets forth provisions regarding a report on the condition and progress of education in the United States and statistical reports.

Section 156—sets forth provisions for the dissemination of information by the Statistics Center.

Section 157—allows the Statistics Center to establish one or more national cooperative education statistics systems.

Section 158—contains a definition for State.

*Part D—National Center for Education Evaluation*

Section 171—establishes within the Academy a National Center for Education Evaluation (Evaluation Center) and sets forth its mission.

Section 172—states that a Commissioner for Education Evaluation (Evaluation Commissioner) shall head the Evaluation Center, sets forth provisions regarding the Evaluation Commissioner's qualifications and duties, and allows the Director, acting through the Evaluation Center, to award grants, enter into contracts and cooperative agreements, and provide technical assistance.

Section 173—contains general duties of the Director, acting through the Evaluation Commissioner; establishes additional requirements for conducting evaluations; and sets forth provisions regarding the administration of evaluations under Title I of the Elementary and Secondary Education Act of 1965.

*Part E—General Provisions*

Section 181—contains definitions.

Section 182—requires the Secretary, in consultation with the Director, to ensure that the Department and the Academy use common sources of data in standardized formats.

Section 183—sets forth prohibitions regarding the development of a national database, the federal government and use of federal funds, the endorsement of curriculum, and federally sponsored testing.

Section 184—sets forth confidentiality provisions regarding Academy data and student information.

Section 185—states that Academy data shall be made available to the public.

Section 186—sets forth provisions regarding customer service and satisfaction.

Section 187—sets forth provisions pertaining to publication, peer review, and advance copies of information.

Section 188—contains provisions for vacancies.

Section 189—sets forth provisions pertaining to scientific or technical employees.

Section 190—allows for voluntary service to the Academy.

Section 191—establishes fellowships and encourages the participation of minorities and women.

Section 192—sets forth provisions regarding rulemaking.

Section 193—contains provisions pertaining to the authorization of appropriations.

TITLE II—REGIONAL EDUCATIONAL APPLIED RESEARCH AND  
TECHNICAL ASSISTANCE

Section 201—states the short title as the “Regional Assistance Act of 2002.”

Section 202—contains the table of contents for this title.

Section 203—sets forth provisions regarding the regional educational applied research and technical assistance entities (regional entities).

Section 204—establishes regional advisory committees and their composition, authority and duty to create and submit a plan to the Secretary and Director that is focused on serving the educational needs of all States and, to the extent practicable, local educational needs within their regions.

Section 205—establishes grants to support the activities of the regional advisory committees, contains provisions regarding the application for the grants, and sets forth provisions regarding subsequent grants.

Section 206—contains provisions pertaining to regional entity boards.

Section 207—requires the Secretary to seek input before entering into a contract under this title.

Section 208—allows the Secretary to establish annual priorities for the regional entities and requires the Secretary to provide for ongoing independent evaluations of the regional entities receiving grants, contracts, or cooperative agreements.

Section 209—contains provisions pertaining to the authorization of appropriations.

Section 210—states that Part E of the Education Sciences Reform Act of 2002 applies to this title, as appropriate, except that any responsibilities assigned solely to the Director of the Academy of Education Sciences shall be the responsibility of the Secretary.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Section 301—states the short title as the “National Assessment of Educational Progress Authorization Act.”

Section 304—contains a definition for State.

Section 305—contains provisions pertaining to the authorization of appropriations.

TITLE IV—AMENDATORY PROVISIONS

Section 401—amends sections 408, 411 and 412 of the National Education Statistics Act of 1994.

Section 402—makes amendments to the Department of Education Organization Act.

Section 403—repeals provisions of current law.

Section 404—provides conforming and technical amendments to current law.

Section 405—states that this Act and the amendments made by this Act shall take effect on October 1, 2002.

## EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. The purpose of H.R. 3801 is to provide national leadership in expanding fundamental knowledge and understanding of education; to conduct valid scientific research using standards of research that will result in findings that can be used by classroom teachers to improve academic achievement for all students; to provide the educators and the general public with reliable information about the condition and progress of education in the United States; to evaluate and determine the effectiveness of federal education programs; to establish a culture of scientific inquiry in education research, evaluation and data collection; and to widely disseminate this information to the public. The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 3801 amends programs for research in education. As such, the bill does not contain any unfunded mandates.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF  
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3801 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 3, 2002.*

Hon. JOHN A. BOEHNER,  
*Chairman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3801, the Education Sciences Reform Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Donna Wong.

Sincerely,

BARRY B. ANDERSON  
(For Dan. L. Crippen, Director).

Enclosure.

*H.R. 3801—Education Sciences Reform Act of 2002*

Summary: H.R. 3801 would restructure and reauthorize programs authorized under the National Education Statistics Act of 1994, and the Educational Research, Development, Dissemination, and Improvement Act of 1994. These programs currently are authorized through 2002. H.R. 3801 would reorganize and reauthorize these programs through 2008.

The bill would authorize total appropriations of \$701 million in 2003. CBO estimates that total authorizations under H.R. 3801 would amount to about \$4.4 billion over the 2003–2008 period, assuming that annual levels are adjusted to keep pace with inflation when specific annual authorizations are not provided. (Without such inflation adjustments, total authorizations would be about \$4.2 billion over the 2003–2008 period.) CBO estimates that appropriations of the authorized levels would result in additional outlays of \$3.7 billion over the 2003–2008 period if inflation adjustments are included (and about \$3.5 billion without inflation adjustments).

Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 3801 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3801 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3801, THE EDUCATION SCIENCES REFORM ACT OF 2002

|                                     | By fiscal year, in millions of dollars— |      |      |      |      |      |      |
|-------------------------------------|---|------|------|------|------|------|------|
|                                     | 2002                                    | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| SPENDING SUBJECT TO APPROPRIATION   |   |      |      |      |      |      |      |
| With Adjustments For Inflation      |   |      |      |      |      |      |      |
| Spending Under Current Law:         |   |      |      |      |      |      |      |
| Budget Authority <sup>1</sup> ..... | 444                                     | 0    | 0    | 0    | 0    | 0    | 0    |
| Estimated Outlays .....             | 366                                     | 317  | 89   | 0    | 0    | 0    | 0    |
| Total Proposed Changes:             |   |      |      |      |      |      |      |
| Estimated Authorization Level ..... | 0                                       | 701  | 716  | 730  | 744  | 760  | 775  |

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3801, THE EDUCATION SCIENCES REFORM ACT OF 2002—Continued

|                                     | By fiscal year, in millions of dollars— |      |      |      |      |      |      |
|-------------------------------------|---|------|------|------|------|------|------|
|                                     | 2002                                    | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Estimated Outlays .....             | 0                                       | 175  | 564  | 716  | 731  | 745  | 760  |
| Spending Under H.R. 3801:           |   |      |      |      |      |      |      |
| Estimated Authorization Level ..... | 444                                     | 701  | 716  | 730  | 744  | 760  | 775  |
| Estimated Outlays .....             | 366                                     | 492  | 653  | 716  | 731  | 745  | 760  |
|                                     | Without Adjustments For Inflation       |      |      |      |      |      |      |
| Spending Under Current Law:         |   |      |      |      |      |      |      |
| Budget Authority <sup>1</sup> ..... | 444                                     | 0    | 0    | 0    | 0    | 0    | 0    |
| Estimated Outlays .....             | 366                                     | 317  | 89   | 0    | 0    | 0    | 0    |
| Total Proposed Changes:             |   |      |      |      |      |      |      |
| Estimated Authorization Level ..... | 0                                       | 701  | 701  | 701  | 701  | 701  | 701  |
| Estimated Outlays .....             | 0                                       | 175  | 561  | 701  | 701  | 701  | 701  |
| Spending Under H.R. 3801:           |   |      |      |      |      |      |      |
| Estimated Authorization Level ..... | 444                                     | 701  | 701  | 701  | 701  | 701  | 701  |
| Estimated Outlays .....             | 366                                     | 492  | 650  | 701  | 701  | 701  | 701  |

<sup>1</sup>The 2002 level is the amount appropriated for that year for programs authorized under the National Education Statistics Act and the Educational Research, Development, Dissemination, and Improvement Act.

Basis of estimate: H.R. 3801 would reorganize and reauthorize programs created under the National Education Statistics Act and the Educational Research, Development, Dissemination, and Improvement Act. All programs would be reauthorized at specific levels for 2003 and for such sums as may be necessary for 2004 through 2008.

H.R. 3801 would increase authorized levels by \$701 million in 2003 and by an estimated \$4.4 billion over the 2003–2008 period assuming that “such sums” amounts provided after 2003 are adjusted for inflation. If the authorized amounts are appropriated, outlays would increase relative to current law by \$175 million in the first year and by \$3.7 billion over the six-year period. (Without inflation adjustments, the increased authorizations would result in outlays of \$3.5 billion over the six years.)

Table 2 presents CBO’s estimates with inflation adjustments for the various components of each title under H.R. 3801. The bill specifies authorization levels for 2003 and CBO’s estimate of authorization levels for subsequent years reflect inflation adjustments to the 2003 amounts. The estimated outlays reflect historical rates of spending for the affected programs.

#### *Title I—Education Sciences Reform*

Title I of H.R. 3801 would create an Academy of Education Sciences to replace the current Office of Education, Research, and Improvement. The bill would authorize a total of \$400 million for 2003 for title I. CBO estimates the total funding for title I for the 2003–2008 period would be \$2.5 billion, assuming adjustments for inflation, with resulting outlays of \$2.1 billion over those six years.

Part A—Academy of Education Sciences. The academy would continue to support and conduct education research and statistics activities, although the bill is more specific than current law as to certain characteristics of the activities to be funded. The academy would oversee the National Education Centers created in Parts B, C, and D and would be run by a director and overseen by a National Board for Education Sciences. Although more autonomous in

structure, the academy would remain part of the Department of Education.

Part B—National Center for Education Research. This new center would be created to create national leadership in expanding knowledge and understanding of education—particularly to improve teaching and learning of reading, writing, mathematics, science and other academic subjects. The center would develop a research plan and award grants and contracts for research consistent with the plan.

Part C—National Center for Education Statistics. Part C would reauthorize the National Center for Education Statistics. The center would continue to collect and analyze data and report the information in a relevant and useful way to practitioners, researchers, policymakers, and the public.

TABLE 2.—DETAILED EFFECTS OF H.R. 3801, THE EDUCATION AND SCIENCES REFORM ACT OF 2002, WITH ADJUSTMENTS FOR INFLATION

|   | By fiscal year, in millions of dollars— |      |      |      |      |      |      |
|---|---|------|------|------|------|------|------|
|   | 2002                                    | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| SPENDING SUBJECT TO APPROPRIATION                                       |   |      |      |      |      |      |      |
| Spending Under Current Law:   |   |      |      |      |      |      |      |
| Budget Authority <sup>1</sup> .....                                     | 444                                     | 0    | 0    | 0    | 0    | 0    | 0    |
| Estimated Outlays .....   | 366                                     | 317  | 89   | 0    | 0    | 0    | 0    |
| Proposed Changes:   |   |      |      |      |      |      |      |
| Title I—Education Sciences Reform                                       |   |      |      |      |      |      |      |
| Academy of Education Sciences:  |   |      |      |      |      |      |      |
| Estimated Authorization Level .....                                     | 0                                       | 400  | 408  | 416  | 425  | 433  | 442  |
| Estimated Outlays .....   | 0                                       | 100  | 322  | 409  | 417  | 425  | 434  |
| Title II—Regional Educational Applied Research and Technical Assistance |   |      |      |      |      |      |      |
| Regional Entities:  |   |      |      |      |      |      |      |
| Estimated Authorization Level .....                                     | 0                                       | 189  | 193  | 197  | 201  | 205  | 209  |
| Estimated Outlays .....   | 0                                       | 47   | 152  | 193  | 197  | 201  | 205  |
| Title III—National Assessment of Educational Progress                   |   |      |      |      |      |      |      |
| National Assessment Governing Board:                                    |   |      |      |      |      |      |      |
| Estimated Authorization Level .....                                     | 0                                       | 5    | 5    | 5    | 5    | 5    | 5    |
| Estimated Outlays .....   | 0                                       | 1    | 4    | 5    | 5    | 5    | 5    |
| National Assessment of Education Progress:                              |   |      |      |      |      |      |      |
| Estimated Authorization Level .....                                     | 0                                       | 108  | 110  | 112  | 114  | 116  | 119  |
| Estimated Outlays .....   | 0                                       | 27   | 87   | 110  | 112  | 114  | 117  |
| Subtotal, Title III:  |   |      |      |      |      |      |      |
| Estimated Authorization Level .....                                     | 0                                       | 112  | 114  | 117  | 119  | 121  | 124  |
| Estimated Outlays .....   | 0                                       | 28   | 90   | 115  | 117  | 119  | 122  |
| Total Proposed Changes:   |   |      |      |      |      |      |      |
| Estimated Authorization Level .....                                     | 0                                       | 701  | 716  | 730  | 744  | 760  | 775  |
| Estimated Outlays .....   | 0                                       | 175  | 564  | 716  | 731  | 745  | 760  |
| Spending Under H.R. 3801:   |   |      |      |      |      |      |      |
| Estimated Authorization Level <sup>1</sup> .....                        | 444                                     | 701  | 716  | 730  | 744  | 760  | 775  |
| Estimated Outlays .....   | 366                                     | 492  | 653  | 716  | 731  | 745  | 760  |

<sup>1</sup>The 2002 level is the amount appropriated for that year for programs authorized under the National Education Statistics Act and the Educational Research, Development, Dissemination, and Improvement Act.

Part D—National Center for Education Evaluation. This new center would coordinate evaluations of federal education programs administered by the Secretary of Education to determine the effectiveness of the programs, especially on student academic achievement in reading, mathematics, and science. The center would also administer all contracts associated with evaluations specified in the

No Child Left Behind Act of 2001 (Public Law 107–110), which was signed into law in January 2002.

Part E—General Provisions. Part E would authorize \$400 million in 2003 for the Academy of Education Sciences and its centers, and such sums as may be necessary for 2004 through 2008. Funding in 2002 for comparable programs totaled \$207 million.

*Title II—Regional Educational Applied Research and Technical Assistance*

Title II would authorize a total of \$189 million for regional entities in 2003 and would authorize such sums as may be necessary in 2004 through 2008. CBO estimates that implementing this title would cost \$1.0 billion over the 2003–2008 period.

Existing organizations would apply to be a regional entity responsible for providing comprehensive applied research, development, and technical assistance to states, local educational agencies, and local organizations in at least reading, mathematics, science, and education technology. The regional entities would identify and address education needs in specific regions. They would be overseen by the Secretary of Education and governed by a Regional Entity Board. The regional entities would replace the existing regional educational centers and laboratories, which are funded at \$126 million in 2002.

*Title III—National Assessment of Educational Progress*

Title III would authorize \$4.6 million in 2003 for the National Assessment Governing Board and \$107.5 million for National Assessment of Educational Progress (NAEP), and would authorize such sums as may be necessary in 2004 through 2008 for both programs. Both NAEP and the National Assessment Governing Board were amended in the No Child Left Behind Act of 2001 but funding was not reauthorized in the act. Funding for NAEP and the governing board in 2002 is \$4.05 million and \$107.5 million, respectively.

Repeals. H.R. 3801 would repeal the National Education Statistics Act of 1994, Parts A through E and Parts K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (Title IX of the Goals 2000: Educate America Act), and paragraph (2) of section 401(b) of the Department of Education Organization Act.

Pay as you go considerations: None.

Intergovernmental and private-sector impact: H.R. 3801 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Donna Wong; Impact on State, Local, and Tribal Governments: Elyse Goldman; and Impact on the Private Sector: Nabeel Alsalam.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with Clause (3)(c) of House Rule XIII, the goal of H.R. 3801 is to authorize federal assistance for educational research. The Committee expects the Department of Education to

comply with H.R. 3801 and implement the changes to the law in accordance with the changes.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 3801. The Committee believes that the amendments made by this bill, which authorize appropriations for educational research, are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3801. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**DEPARTMENT OF EDUCATION ORGANIZATION ACT**

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Department of Education Organization Act".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

\* \* \* \* \*

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

Sec. 201. Establishment.

\* \* \* \* \*

**[Sec. 208. Office of Educational Research and Improvement.]**

*Sec. 208. Academy of Education Sciences.*

\* \* \* \* \*

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

\* \* \* \* \*

PRINCIPAL OFFICERS

SEC. 202. (a) \* \* \*  
(b)(1) \* \* \*

\* \* \* \* \*

[(4) There shall be in the Department an Assistant Secretary for Educational Research and Improvement who shall be—

[(A) appointed by the President, by and with the consent of the Senate; and

[(B) selected (giving due consideration to recommendations from the National Educational Research Policy and Priorities Board) from among individuals who—

[(i) are distinguished educational researchers or practitioners;

[(ii) have proven management ability; and

[(iii) have substantial knowledge of education within the United States.]

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

\* \* \* \* \*

【OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

【SEC. 208. There shall be in the Department an Office of Educational Research and Improvement, to be administered by the Assistant Secretary for Educational Research and Improvement appointed under section 202(b). The Assistant Secretary shall administer such functions concerning research, development, demonstration, dissemination, evaluation, and assessment activities as the Secretary shall delegate and such functions as set forth in the Educational Research, Development, Dissemination, and Improvement Act of 1994.】

ACADEMY OF EDUCATION SCIENCES

*SEC. 208. There shall be in the Department of Education an Academy of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 115(a) of that Act.*

\* \* \* \* \*

TITLE IV—ADMINISTRATIVE PROVISIONS

PART A—PERSONNEL PROVISIONS

OFFICERS AND EMPLOYEES

SEC. 401. (a) \* \* \*

(b)(1) \* \* \*

[(2) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 3104 of title 5, United States Code, provide for the establishment in the Office created by section 208 of this Act of a number of scientific, professional, and technical positions outside of the General Schedule equal to the number of such positions which were used primarily for the performance of functions and offices transferred under this Act and

which were assigned and filed on the day before the effective date of this Act.】

\* \* \* \* \*

## NATIONAL EDUCATION STATISTICS ACT OF 1994

### 【TITLE IV—NATIONAL EDUCATION STATISTICS

#### 【SEC. 401. SHORT TITLE.

【This title may be cited as the “National Education Statistics Act of 1994”.

#### 【SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.

【(a) FINDINGS.—The Congress finds that—

【(1) a Department of Education was established in 1867 “for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the United States”;

【(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Office of Educational Research and Improvement continues to perform those crucial original purposes; and

【(3) looking to the 21st century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in the reform of the Nation’s educational systems.

【(b) PURPOSE.—It is the purpose of this title to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

【(c) DEFINITIONS.—For the purpose of this title and unless otherwise specified—

【(1) the term “Assistant Secretary” means the Assistant Secretary for Educational Research and Improvement established under section 202(b)(1)(E) of the Department of Education Organization Act;

【(2) the term “Department” means the Department of Education;

【(3) the term “institution of higher education” has the same meaning given such term in section 101 of the Higher Education Act of 1965;

【(4) the term “local educational agency” has the same meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965;

【(5) the term “Secretary” means the Secretary of Education;

[(6) the term “State educational agency” has the same meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965; and

[(7) the terms “State” and “United States”—

[(A) other than for the purpose of section 411, mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

[(B) for the purpose of section 411, have the same meaning given such terms in subparagraph (A), except that such terms include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

**[SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.**

[(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 208 of the Department of Education Organization Act, a National Center for Education Statistics (hereafter in this title referred to as the “Center”).

[(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—

[(1) COMMISSIONER.—The Center shall be headed by a Commissioner of Education Statistics (hereafter in this title referred to as the “Commissioner”) who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

[(A) have substantial knowledge of programs assisted by the Center;

[(B) be paid in accordance with section 5315 of title 5, United States Code; and

[(C) serve for a term of four years, with the terms to expire every fourth June 21, beginning in 1995.

[(2) ASSOCIATE COMMISSIONERS.—The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

**[SEC. 404. DUTIES OF THE CENTER.**

[(a) DUTIES.—The duties of the Center are to collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

[(1) collecting, acquiring, compiling (where appropriate, on a State by State basis), and disseminating full and complete statistics on the condition and progress of education, at the pre-school, elementary, secondary, and postsecondary levels in the United States, including data on—

[(A) State and local education reform activities;

[(B) student achievement at all levels of education;

[(C) secondary school completions, dropouts, and adult literacy;

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

[(E) teaching, including data on course-taking, instruction, the conditions of the education workplace, and the supply of, and demand for, teachers, which may include data on the proportions of women and men, cross-tab-

ulated by race or ethnicity, teaching in subjects in which such individuals have been historically underrepresented;

[(F) the learning and teaching environment, including data on libraries;

[(G) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety;

[(H) the financing and management of education, including data on revenues and expenditures; and

[(I) the social and economic status of children;

[(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

[(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

[(4) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such disaggregated information would facilitate educational and policy decisionmaking;

[(5) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities; and

[(6) acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations.

[(b) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

**[SEC. 405. PERFORMANCE OF DUTIES.**

[(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

[(1) IN GENERAL.—In carrying out the Commissioner's duties under this title, the Commissioner may award grants, and enter into contracts and cooperative agreements.

[(2) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than five years, and may be renewed at the discretion of the Commissioner for an additional period of not more than five years.

[(b) GATHERING INFORMATION.—

[(1) SAMPLING.—The Commissioner may use the statistical method known as sampling to carry out the purpose of this title.

[(2) SOURCE OF INFORMATION.—The Commissioner may, as the Commissioner considers appropriate, use information collected—

[(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, libraries, administrators, teachers, students, the

general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

[(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

[(3) COLLECTION.—The Commissioner may—

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

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

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

[(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—

[(A) provide technical assistance to Department offices that gather data for statistical purposes; and

[(B) coordinate closely with other Department offices in the collection of data.

**[SEC. 406. REPORTS.**

[(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, not later than June 1, 1995, and each succeeding June 1 thereafter, submit to the President and the Congress a statistical report on the condition and progress of education in the United States.

[(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

[(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

**[SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.**

[(a) ESTABLISHMENT.—There is established, within the Center, the Advisory Council on Education Statistics (hereafter in this title referred to as the “Council”).

[(b) MEMBERSHIP.—

[(1) COMPOSITION.—The Council shall be composed of—

[(A) 18 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education, of whom at least—

[(i) three shall be practicing educators;

[(ii) three shall be education policymakers;

[(iii) three shall be professional statisticians;

[(iv) three shall be education researchers; and

[(v) three shall be experts in educational measurement;

[(B) three individuals representing the general public, appointed by the Secretary;

[(C) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and

[(D) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

[(2) PRESIDING OFFICER.—The Commissioner shall appoint the presiding officer of the Council from among the voting members of the Council.]

[(3) TERMS.—Members of the Council appointed under paragraph (1)(A) shall be appointed for three-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than six members in the same calendar year.]

[(4) MEETINGS.—(A) The Council shall meet in public session at the call of the presiding officer, except that the Council shall meet—

[(i) at least two times during each calendar year; and

[(ii) in addition, whenever ten voting members request in writing that the presiding officer call a meeting.]

[(B) Eleven voting members of the Council shall constitute a quorum.]

[(5) SPECIAL RULE.—The Council shall—

[(A) review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence; and

[(B) advise the Commissioner and the National Assessment Governing Board on technical and statistical matters related to the National Assessment of Educational Progress.]

[(6) STAFF.—The Council shall appoint a staff of not more than six individuals with technical expertise to enable the Council to carry out its duties.]

[Section 401(a)(6) of the bill strikes the section heading for section 408 of the National Education Statistics Act of 1994, transfers and redesignates subsections (a) through (c), as amended below, as subsections (c) through (e), respectively, of section 184 of the bill.]

#### SEC. 408. CONFIDENTIALITY.

(a) CONFIDENTIALITY STANDARDS.—

(1) IN GENERAL.—(A) The [Center] *Director* shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this title.

(B) This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

(2) PROHIBITION.—No person may—

(A) use any individually identifiable information furnished under this title for any purpose other than a [statistical purpose] *research, statistics, or evaluation purpose under this title;*

(B) make any publication whereby the data furnished by any particular person under this title can be identified; or

(C) permit anyone other than the individuals authorized by the [Commissioner] *Director* to examine the individual reports.

## (b) ADMINISTRATION.—

【(1) IN GENERAL.—No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this title, shall require, for any reason, copies of reports that have been filed under this title with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of the Center’s employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).】

## (1) IN GENERAL.—

(A) DISCLOSURE.—*No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Academy to disclose individually identifiable information that has been collected or retained under this title.*

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

(C) APPLICATION.—*This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.*

(2) EMPLOYEE OR STAFF VIOLATIONS.—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection 【(a)(2)】 (c)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by subsection 【(a)(2)】 (c)(2), and that comes into such employee or staff’s possession by reason of employment (or otherwise providing services) under this title, shall be found guilty of a class E felony and imprisoned for not more than five years, or fined as specified in section 3571 of title 18, United States Code, or both.

(3) TEMPORARY STAFF.—The 【Commissioner】 *Director* may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities (including local educational agencies), and employees of private organizations to assist the 【Center】 *Director* in performing the 【Center’s】 *Director’s* responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

(4) INFORMATION REQUIREMENTS.—No collection of information or data acquisition activity undertaken by the 【Center】 *Director* shall be subject to any review, coordination, or approval procedure except as required by the Director of the Of-

office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the **[Commissioner]** *Director* determines that such review or coordination is beneficial.

(5) DEFINITIONS.—For the purposes of this section—

(A) the term “individually identifiable information” means any record, response form, completed survey, or aggregation thereof from which information about particular individuals may be revealed; and

(B) the term “report” means a response provided by or about an individual to an inquiry from the **[Center]** *Director* and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

(6) VIOLATIONS.—Any person who uses any data provided by the **[Center]**, *Director* in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses such data for a purpose other than a statistical purpose, or who otherwise violates subparagraph (A) or (B) of subsection **[(a)(2)] (c)(2)**, shall be found guilty of a class E felony and imprisoned for not more than five years, or fined as specified in section 3571 of title 18, United States Code, or both.

(7) ACCESS TO REPORTS OR RECORDS.—Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress, to gain access to any reports or other records, including information identifying individuals, in the **[Center’s]** *Director’s* possession, except that the same restrictions on disclosure that apply under paragraphs (1) and (6) shall apply to such individuals.

(c) INVESTIGATION AND PROSECUTION OF TERRORISM.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

(A) collect reports, records, and information (including individually identifiable information) in the possession of the **[center]** *Director* that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney

General, after consultation with the Secretary, shall issue to protect confidentiality.

(2) APPLICATION AND APPROVAL.—

(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

(3) PROTECTION.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.

**SEC. 409. DISSEMINATION.**

[(a) GENERAL REQUESTS.—

[(1) IN GENERAL.—The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

[(2) COMPILATIONS.—The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

[(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

[(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this title, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

[(d) FEES.—

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

[(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

[(e) ACCESS.—

[(1) OTHER AGENCIES.—The Center shall, consistent with section 408, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

[(2) INTERESTED PARTIES.—The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

**[SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

[(a) IN GENERAL.—The Commissioner may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance, and make grants and enter into contracts and cooperative agreements.]

[(b) MODEL DATA SYSTEM.—The Commissioner, working through the cooperative education statistics system, shall study, design, and pilot a model data system that will yield information about spending for administration at the school and local education agency levels.]

[Section 401(d)(11) of the bill transfers and redesignates section 411 of the National Education Statistics Act of 1994, as amended below, as section 303 of the bill.]

**SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**

(a) ESTABLISHMENT.—The [Commissioner] *Commissioner for Education Statistics* shall, with the advice of the [National Assessment Governing Board] *Assessment Board* established under section [412, and with the technical assistance of the Advisory Council established under section 407,] 302, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress, which collectively refers to a national assessment, State assessments, and a long-term trend assessment in reading and mathematics.

(b) PURPOSE; STATE ASSESSMENTS.—

(1) PURPOSE.—The purpose of this section is to provide, in a timely manner, a fair and accurate measurement of student academic achievement and reporting of trends in such achievement in reading, mathematics, and other subject matter as specified in this section.

(2) MEASUREMENT AND REPORTING.—The [Commissioner] *Commissioner for Education Statistics*, in carrying out the measurement and reporting described in paragraph (1), shall—

(A) use a random sampling process which is consistent with relevant, widely accepted professional assessment standards and that produces data that are representative on a national and regional basis;

(B) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in public and private elementary schools and secondary schools at least once every 2 years, in grades 4 and 8 in reading and mathematics;

(C) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in public and private schools in reading and mathematics in grade 12 in regularly scheduled intervals, but at least as often as such assessments were conducted prior to

the date of enactment of the No Child Left Behind Act of 2001;

(D) to the extent time and resources allow, and after the requirements described in subparagraph (B) are implemented and the requirements described in subparagraph (C) are met, conduct additional national assessments and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in grades 4, 8, and 12 in public and private elementary schools and secondary schools in regularly scheduled intervals in additional subject matter, including writing, science, history, geography, civics, economics, foreign languages, and arts, and the trend assessment described in subparagraph (F);

(E) conduct the reading and mathematics assessments described in subparagraph (B) in the same year, and every other year thereafter, to provide for 1 year in which no such assessments are conducted in between each administration of such assessments;

(F) continue to conduct the trend assessment of academic achievement at ages 9, 13, and 17 for the purpose of maintaining data on long-term trends in reading and mathematics;

(G) include information on special groups, including, whenever feasible, information collected, cross tabulated, compared, and reported by race, ethnicity, socioeconomic status, gender, disability and limited English proficiency; and

(H) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis and that includes trend lines.

(3) STATE ASSESSMENTS.—

(A) IN GENERAL.—The **【Commissioner】** *Commissioner for Education Statistics*—

(i) shall conduct biennial State academic assessments of student achievement in reading and mathematics in grades 4 and 8 as described in paragraphs **【(1)(B) and (1)(E)】** *(2)(B) and (2)(E)*;

(ii) may conduct the State academic assessments of student achievement in reading and mathematics in grade 12 as described in paragraph **【(1)(C)】** *(2)(C)*;

(iii) may conduct State academic assessments of student achievement in grades 4, 8, and 12 as described in paragraph **【(1)(D)】** *(2)(D)*; and

(iv) shall conduct each such State assessment, in each subject area and at each grade level, on a developmental basis until the **【Commissioner】** *Commissioner for Education Statistics* determines, as the result of an evaluation required by subsection (f), that such assessment produces high quality data that are valid and reliable.

(B) AGREEMENT.—

(i) IN GENERAL.—States participating in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(3).

(ii) CONTENT.—Such agreement shall contain information sufficient to give States full information about the process for decision-making (which shall include the consensus process used), on objectives to be tested, and the standards for random sampling, test administration, test security, data collection, validation, and reporting.

(C) REVIEW AND RELEASE.—

(i) IN GENERAL.—Except as provided in clause (ii), a participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(ii) SPECIAL RULE.—A State participating in the biennial academic assessments of student achievement in reading and mathematics in grades 4 and 8 shall be deemed to have given its permission to release its data if the State has an approved plan under section 1111 of the Elementary and Secondary Education Act of 1965.

(4) PROHIBITED ACTIVITIES.—

(A) IN GENERAL.—The use of assessment items and data on any assessment authorized under this section by an agent or agents of the Federal Government to rank, compare, or otherwise evaluate individual students or teachers, or to provide rewards or sanctions for individual students, teachers, schools or local educational agencies is prohibited.

(B) SPECIAL RULE.—Any assessment authorized under this section shall not be used by an agent or agents of the Federal Government to establish, require, or influence the standards, assessments, curriculum, including lesson plans, textbooks, or classroom materials, or instructional practices of States or local educational agencies.

(C) APPLICABILITY TO STUDENT EDUCATIONAL DECISIONS.—Nothing in this section shall be construed to prescribe the use of any assessment authorized under this section for student promotion or graduation purposes.

(D) APPLICABILITY TO HOME SCHOOLS.—Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home schooled student be required to participate in any assessment referenced or authorized under this section.

(5) REQUIREMENT.—In carrying out any assessment authorized under this section, the **Commissioner** *Commissioner for Education Statistics*, in a manner consistent with subsection **[(c)(2)] (c)(3)**, shall—

(A) use widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, and ensure that any academic assessment authorized under this section be tests that do not evaluate or

assess personal or family beliefs and attitudes or publicly disclose personally identifiable information;

(B) only collect information that is directly related to the appraisal of academic achievement, and to the fair and accurate presentation of such information; and

(C) collect information on race, ethnicity, socioeconomic status, disability, limited English proficiency, and gender.

(6) TECHNICAL ASSISTANCE.—In carrying out any assessment authorized under this section, the [Commissioner] *Commissioner for Education Statistics* may provide technical assistance to States, localities, and other parties.

(c) ACCESS.—

(1) PUBLIC ACCESS.—

(A) IN GENERAL.—Except as provided in paragraph (3), parents and members of the public shall have access to all assessment data, questions, and complete and current assessment instruments of any assessment authorized under this section. The local educational agency shall make reasonable efforts to inform parents and members of the public about the access required under this paragraph.

(B) TIMELINE.—The access described in this paragraph shall be provided within 45 days of the date the request was made, in writing, and be made available in a secure setting that is convenient to both parties.

(C) PROHIBITION.—To protect the integrity of the assessment, no copy of the assessment items or assessment instruments shall be duplicated or taken from the secure setting.

(2) COMPLAINTS.—

(A) IN GENERAL.—Parents and members of the public may submit written complaints to the [National Assessment Governing Board] *Assessment Board*.

(B) FORWARDING OF COMPLAINTS.—The [National Assessment Governing Board] *Assessment Board* shall forward such complaints to the [Commissioner] *Commissioner for Education Statistics*, the Secretary of Education, and the State and local educational agency from within which the complaint originated within 30 days of receipt of such complaint.

(C) REVIEW.—The [National Assessment Governing Board] *Assessment Board*, in consultation with the [Commissioner] *Commissioner for Education Statistics*, shall review such complaint and determine whether revisions are necessary and appropriate. As determined by such review, the Board shall revise, as necessary and appropriate, the procedures or assessment items that have generated the complaint and respond to the individual submitting the complaint, with a copy of such response provided to the Secretary, describing any action taken, not later than 30 days after so acting.

(D) REPORT.—The Secretary shall submit a summary report of all complaints received pursuant to subparagraph (A) and responses by the [National Assessment Governing Board] *Assessment Board* pursuant to subparagraph [(B)] (C) to the Chairman of the House Committee on Education

and the Workforce, and the Chairman of the Senate Committee on Health, Education, Labor, and Pensions.

(E) COGNITIVE QUESTIONS.—

(i) IN GENERAL.—The **【Commissioner】** *Commissioner for Education Statistics* may decline to make available through public means, such as posting on the Internet, distribution to the media, distribution through public agencies, or in response to a request under section 552 of title 5, United States Code, for a period, not to exceed 10 years after initial use, cognitive questions that the **【Commissioner】** *Commissioner for Education Statistics* intends to reuse in the future.

(ii) EXTENSION.—Notwithstanding clause (i), the **【Commissioner】** *Commissioner for Education Statistics* may decline to make cognitive questions available as described in clause (i) for a period longer than 10 years if the **【Commissioner】** *Commissioner for Education Statistics* determines such additional period is necessary to protect the security and integrity of long-term trend data.

(3) PERSONALLY IDENTIFIABLE INFORMATION.—

(A) IN GENERAL.—The **【Commissioner】** *Commissioner for Education Statistics* shall ensure that all personally identifiable information about students, their academic achievement, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

(B) PROHIBITION.—The **【National Board】** *Assessment Board*, the **【Commissioner】** *Commissioner for Education Statistics*, and any contractor or subcontractor shall not maintain any system of records containing a student's name, birth information, Social Security number, or parents' name or names, or any other personally identifiable information.

(4) PENALTIES.—Any unauthorized person who knowingly discloses, publishes, or uses assessment questions, or complete and current assessment instruments of any assessment authorized under this section may be fined as specified in section 3571 of title 18, United States Code or charged with a class E felony.

(d) PARTICIPATION.—

(1) VOLUNTARY PARTICIPATION.—Participation in any assessment authorized under this section shall be voluntary for students, schools, and local educational agencies.

(2) STUDENT PARTICIPATION.—Parents of children selected to participate in any assessment authorized under this section shall be informed before the administration of any authorized assessment, that their child may be excused from participation for any reason, is not required to finish any authorized assessment, and is not required to answer any test question.

(3) STATE PARTICIPATION.—

(A) VOLUNTARY.—Participation in assessments authorized under this section, other than reading and mathematics in grades 4 and 8, shall be voluntary.

(B) AGREEMENT.—For reading and mathematics assessments in grades 4 and 8, the Secretary shall enter into an agreement with any State carrying out an assessment for the State under this section. Each such agreement shall contain provisions designed to ensure that the State will participate in the assessment.

(4) REVIEW.—Representatives of State educational agencies and local educational agencies or the chief State school officer shall have the right to review any assessment item or procedure of any authorized assessment upon request in a manner consistent with subsection (c), except the review described in subparagraph (2)(C) of subsection (c) shall take place in consultation with the representatives described in this paragraph.

(e) STUDENT ACHIEVEMENT LEVELS.—

(1) ACHIEVEMENT LEVELS.—The **[National Assessment Governing Board]** *Assessment Board* shall develop appropriate student achievement levels for each grade or age in each subject area to be tested under assessments authorized under this section, except the trend assessment described in subsection (b)(2)(F).

(2) DETERMINATION OF LEVELS.—

(A) IN GENERAL.—Such levels shall—

(i) be determined by—

(I) identifying the knowledge that can be measured and verified objectively using widely accepted professional assessment standards; and

(II) developing achievement levels that are consistent with relevant widely accepted professional assessment standards and based on the appropriate level of subject matter knowledge for grade levels to be assessed, or the age of the students, as the case may be.

(B) NATIONAL CONSENSUS APPROACH.—After the determinations described in subparagraph (A), devising a national consensus approach.

(C) TRIAL BASIS.—The achievement levels shall be used on a trial basis until the **[Commissioner]** *Commissioner for Education Statistics* determines, as a result of an evaluation under subsection (f), that such levels are reasonable, valid, and informative to the public.

(D) STATUS.—The **[Commissioner]** *Commissioner for Education Statistics* and the Board shall ensure that reports using such levels on a trial basis do so in a manner that makes clear the status of such levels.

(E) UPDATES.—Such levels shall be updated as appropriate by the **[National Assessment Governing Board]** *Assessment Board* in consultation with the **[Commissioner]** *Commissioner for Education Statistics*.

(3) REPORTING.—After determining that such levels are reasonable, valid, and informative to the public, as the result of an evaluation under subsection (f), the **[Commissioner]** *Commissioner for Education Statistics* shall use such levels or other methods or indicators for reporting results of the National Assessment and State assessments.

(4) REVIEW.—The [National Assessment Governing Board] *Assessment Board* shall provide for a review of any trial student achievement levels under development by representatives of State educational agencies or the chief State school officer in a manner consistent with subsection (c), except the review described in [subparagraph (2)(C)] *paragraph (2)(C) of such subsection* shall take place in consultation with the representatives described in this paragraph.

(f) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary shall provide for continuing review of any assessment authorized under this section, and student achievement levels, by one or more professional assessment evaluation organizations.

(B) ISSUES ADDRESSED.—Such continuing review shall address—

(i) whether any authorized assessment is properly administered, produces high quality data that are valid and reliable, is consistent with relevant widely accepted professional assessment standards, and produces data on student achievement that are not otherwise available to the State (other than data comparing participating States to each other and the Nation);

(ii) whether student achievement levels are reasonable, valid, reliable, and informative to the public;—

(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in academic achievement in a valid and reliable manner in the subject areas being assessed;

(iv) whether any of the test questions are biased, as described in section [412(e)(4)] *302(e)(4)*; and

(v) whether the appropriate authorized assessments are measuring, consistent with this section, reading ability and mathematical knowledge.

(2) REPORT.—The Secretary shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, the President, and the Nation on the findings and recommendations of such reviews.

(3) USE OF FINDINGS AND RECOMMENDATIONS.—The [Commissioner] *Commissioner for Education Statistics* and the [National Assessment Governing Board] *Assessment Board* shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the [Commissioner] *Commissioner for Education Statistics* carries out the National Assessment.

(g) COVERAGE AGREEMENTS.—

(1) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary schools and secondary schools operated by the Department of Defense.

(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in

the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

[Section 401(c)(12) of the bill transfers and redesignates section 412 of the National Education Statistics Act of 1994, as amended below, as section 302 of the bill.]

**SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD.**

(a) **ESTABLISHMENT.**—There is established the National Assessment Governing Board (hereafter in this title [referred to as the “Board”] *referred to as the “Assessment Board”*), which shall formulate policy guidelines for the National Assessment (*carried out under section 303*).

(b) **MEMBERSHIP.**—

(1) **APPOINTMENT AND COMPOSITION.**—The *Assessment Board* shall be appointed by the Secretary and be composed as follows:

(A) Two Governors, or former Governors, who shall not be members of the same political party.

(B) Two State legislators, who shall not be members of the same political party.

(C) Two chief State school officers.

(D) One superintendent of a local educational agency.

(E) One member of a State board of education.

(F) One member of a local board of education.

(G) Three classroom teachers representing the grade levels at which the National Assessment is conducted.

(H) One representative of business or industry.

(I) Two curriculum specialists.

(J) Three testing and measurement experts, who shall have training and experience in the field of testing and measurement.

(K) One nonpublic school administrator or policymaker.

(L) Two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal.

(M) Two parents who are not employed by a local, State or Federal educational agency.

(N) Two additional members who are representatives of the general public, and who may be parents, but who are not employed by a local, State, or Federal educational agency.

(2) **[ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH] DIRECTOR OF THE ACADEMY OF EDUCATION SCIENCES.**—The [Assistant Secretary for Educational Research and Improvement] *Director of the Academy of Education Sciences* shall serve as an ex officio, nonvoting member of the *Assessment Board*.

(3) **BALANCE AND DIVERSITY.**—The Secretary and the *Assessment Board* shall ensure at all times that the membership of the *Assessment Board* reflects regional, racial, gender, and cultural balance and diversity and that the *Assessment Board* exercises its independent judgment, free from inappropriate influences and special interests.

(c) **TERMS.**—

(1) IN GENERAL.—Terms of service of members of the *Assessment* Board shall be staggered and may not exceed a period of 4 years, as determined by the Secretary.

(2) SERVICE LIMITATION.—Members of the *Assessment* Board may serve not more than two terms.

(3) CHANGE OF STATUS.—A member of the *Assessment* Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

(4) CONFORMING PROVISION.—Members of the *Assessment* Board previously granted 3 year terms, whose terms are in effect on the date of enactment of the Department of Education Appropriations Act, 2001, shall have their terms extended by 1 year.

(d) VACANCIES.—

(1) IN GENERAL.—

(A) ORGANIZATIONS.—The Secretary shall appoint new members to fill vacancies on the *Assessment* Board from among individuals who are nominated by organizations representing the type of individuals described in subsection (b)(1) with respect to which the vacancy exists.

(B) NOMINATIONS.—Each organization submitting nominations to the Secretary with respect to a particular vacancy shall nominate for such vacancy six individuals who are qualified by experience or training to fill the particular *Assessment* Board vacancy.

(C) MAINTENANCE OF BOARD.—The Secretary's appointments shall maintain the composition, diversity, and balance of the *Assessment* Board required under subsection (b).

(2) ADDITIONAL NOMINATIONS.—The Secretary may request that each organization described in paragraph (1)(A) submit additional nominations if the Secretary determines that none of the individuals nominated by such organization have appropriate knowledge or expertise.

(e) DUTIES.—

(1) IN GENERAL.—In carrying out its functions under this section the *Assessment* Board shall—

(A) select the subject areas to be assessed (consistent with section [411(b)] 303(b));

(B) develop appropriate student achievement levels as provided in section [411(e)] 303(e);

(C) develop assessment objectives consistent with the requirements of this section and test specifications that produce an assessment that is valid and reliable, and are based on relevant widely accepted professional standards;

(D) develop a process for review of the assessment which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public;

(E) design the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical experts who engage in large scale surveys[

including the Advisory Council established under section 407];

(F) consistent with section [411] 303, measure student academic achievement in grades 4, 8, and 12 in the authorized academic subjects;

(G) develop guidelines for reporting and disseminating results;

(H) develop standards and procedures for regional and national comparisons; and

(I) take appropriate actions needed to improve the form, content, use, and reporting of results of any assessment authorized by section [411] 303 consistent with the provisions of this section and section 411.

(2) DELEGATION.—The *Assessment* Board may delegate any of the Board's procedural and administrative functions to its staff.

(3) ALL COGNITIVE AND NONCOGNITIVE ASSESSMENT ITEMS.—The *Assessment* Board shall have final authority on the appropriateness of all assessment items.

(4) PROHIBITION AGAINST BIAS.—The *Assessment* Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias and are secular, neutral, and non-ideological.

(5) TECHNICAL.—In carrying out the duties required by paragraph (1), the *Assessment* Board may seek technical advice, as appropriate, from the [Commissioner and the Advisory Council on Education Statistics] *Commissioner for Education Statistics* and other experts.

(6) REPORT.—Not later than 90 days after an evaluation of the student achievement levels under section [411(e)] 303(e), the *Assessment* Board shall make a report to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate describing the steps the *Assessment* Board is taking to respond to each of the recommendations contained in such evaluation.

(f) PERSONNEL.—

(1) IN GENERAL.—In the exercise of its responsibilities, the *Assessment* Board shall be independent of the Secretary and the other offices and officers of the Department.

(2) STAFF.—

(A) IN GENERAL.—The Secretary may appoint, at the request of the *Assessment* Board, such staff as will enable the *Assessment* Board to carry out its responsibilities.

(B) TECHNICAL EMPLOYEES.—Such appointments may include, for terms not to exceed 3 years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) COORDINATION.—The [Commissioner] *Commissioner for Education Statistics* and the *Assessment* Board shall meet periodically—

(1) to ensure coordination of their duties and activities relating to the National Assessment; and

(2) for the **[Commissioner]** *Commissioner for Education Statistics* to report to the *Assessment Board* on the Department's actions to implement the decisions of the *Assessment Board*.

(h) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the *Assessment Board*, other than sections 10, 11, and 12 of such Act.

**[SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

**[(a) IN GENERAL.—**There are authorized to be appropriated \$65,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out this title (other than sections 411 and 412).

**[(b) NATIONAL ASSESSMENT.—**There are authorized to be appropriated \$35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 and 1997 to carry out section 411.

**[(c) GOVERNING BOARD.—**There are authorized to be appropriated \$3,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 and 1997 to carry out section 412.]

**GOALS 2000: EDUCATE AMERICA ACT**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) \* \* \*

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

\* \* \* \* \*

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

**[PART A—GENERAL PROVISIONS REGARDING THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT**

- [Sec. 911.** Repeal.
- [Sec. 912.** Office of Educational Research and Improvement.
- [Sec. 913.** Assistant Secretary for Educational Research and Improvement.
- [Sec. 914.** Savings provision.
- [Sec. 915.** Existing grants and contracts.

**[PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD**

**[Sec. 921.** Establishment within Office of Educational Research and Improvement.

**[PART C—NATIONAL RESEARCH INSTITUTES**

**[Sec. 931.** Establishment within the Office of Educational Research and Improvement.

**[PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM**

**[Sec. 941.** Establishment within Office of Educational Research and Improvement.

**[PART E—NATIONAL LIBRARY OF EDUCATION**

**[Sec. 951.** Establishment within Office of Educational Research and Improvement.]

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## TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

### SEC. 901. SHORT TITLE.

This title may be cited as the “Educational Research, Development, Dissemination, and Improvement Act of 1994”.

\* \* \* \* \*

## [PART A—GENERAL PROVISIONS REGARDING THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

### [SEC. 911. REPEAL.

[(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

[(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting “and such functions as set forth in the Educational Research, Development, Dissemination, and Improvement Act of 1994” after “delegate”.

### [SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

[(a) DECLARATION OF POLICY REGARDING EDUCATIONAL OPPORTUNITY.—

[(1) IN GENERAL.—The Congress declares it to be the policy of the United States to provide to every individual an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, age, disability, national origin, or social class. Although the American educational system has pursued this objective, it has not been attained. Inequalities of opportunity to receive high quality education remain pronounced. To achieve the goal of quality education requires the continued pursuit of knowledge about education through research, development, improvement activities, data collection, synthesis, technical assistance, and information dissemination. While the direction of American education remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

[(2) MISSION OF OFFICE.—

[(A) The mission of the Office shall be to provide national leadership in—

[(i) expanding fundamental knowledge and understanding of education;

[(ii) promoting excellence and equity in education; and the achievement of the National Educational Goals by spurring reform in the school systems of the United States;

[(iii) promoting the use and application of research and development to improve practice in the classroom; and

[(iv) monitoring the state of education.

- [(B) The mission of the Office shall be accomplished in collaboration with researchers, teachers, school administrators, parents, students, employers, and policymakers.
- [(b) PURPOSE AND STRUCTURE OF OFFICE.—
- [(1) IN GENERAL.—The Secretary, acting through the Office, shall carry out the policies set forth in subsection (a). In carrying out such policies, the Office shall be guided by the Research Priorities Plan developed by the Assistant Secretary working collaboratively with the Board and which has been approved by the Board.
- [(2) ADMINISTRATIVE STRUCTURE.—The Office shall be administered by the Assistant Secretary and shall include—
- [(A) the National Educational Research Policy and Priorities Board established by section 921;
- [(B) the national research institutes established by section 931;
- [(C) the national education dissemination system established by section 941;
- [(D) the National Center for Education Statistics; and
- [(E) such other units as the Secretary deems appropriate to carry out the purposes of the Office.
- [(3) AUTHORIZED ACTIVITIES.—
- [(A) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—
- [(i) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;
- [(ii) disseminate the findings of education research, and provide technical assistance to apply such information to specific problems at school sites;
- [(iii) collect, analyze, and disseminate data related to education, and to library and information services;
- [(iv) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;
- [(v) provide training in education research; and
- [(vi) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.
- [(c) APPOINTMENT OF EMPLOYEES.—
- [(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed three years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees of the Office as the Assistant Secretary considers necessary to accomplish its functions, provided that—
- [(A) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

[(B) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS-15, as determined in accordance with section 5376 of title 5, United States Code;

[(C) the appointment of such employee is necessary to provide the Office with scientific or technical expertise which could not otherwise be obtained by the Office through the competitive service; and

[(D) the total number of such employees does not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office.

[(2) REAPPOINTMENT OF EMPLOYEES.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for one additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

[(d) AUTHORITY TO PUBLISH.—

[(1) IN GENERAL.—The Assistant Secretary is authorized to prepare and publish such information, reports, and documents as may be of value in carrying out the purposes of this title without further clearance or approval by the Secretary or any other office of the Department of Education.

[(2) QUALITY ASSURANCE.—In carrying out such authority, the Assistant Secretary shall—

[(A) establish such procedures as may be necessary to assure that all reports and publications issued by the Office are of the highest quality; and

[(B) provide other offices of the Department of Education with an opportunity to comment upon any report or publication prior to its publication when its contents relate to matters for which such office has responsibility.

[(e) BIENNIAL REPORT ON ACTIVITIES OF OFFICE.—The Assistant Secretary shall transmit to the President and the Congress by not later than December 30 of every other year a report which shall consist of—

[(1) a description of the activities carried out by and through each research institute during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

[(2) a description of the activities carried out by and through the national education dissemination system established by section 941 during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

[(3) such written comments and recommendations as may be submitted by the Board concerning the activities carried out by and through each of the institutes and the national education dissemination system during the fiscal years for which such report is prepared;

[(4) a description of the coordination activities undertaken pursuant to subsection (g) during the fiscal years for which such report is prepared;

[(5) recommendations for legislative and administrative changes necessary to improve the coordination of all educational research, development, and dissemination activities carried out within the Federal Government; and

[(6) such additional comments, recommendations, and materials as the Assistant Secretary considers appropriate.

[(f) RESEARCH PRIORITIES PLAN.—

[(1) IN GENERAL.—Working collaboratively with the Board, the Assistant Secretary shall—

[(A) survey and assess the state of knowledge in education research, development and dissemination to identify disciplines and areas of inquiry in which the state of knowledge is insufficient and which warrant further investigation, taking into account the views of both education researchers and practicing educators;

[(B) consult with the National Education Goals Panel and other authorities on education to identify national priorities for the improvement of education;

[(C) actively solicit recommendations from education researchers, teachers, school administrators, cultural leaders, parents, and others throughout the United States through such means as periodic regional forums;

[(D) provide recommendations for the development, maintenance, and assurance of a strong infrastructure for education, research, and development in the United States; and

[(E) on the basis of such recommendations, develop a research priorities program which shall recommend priorities for the investment of the resources of the Office over the next 5-, 10-, and 15-year periods, including as priorities those areas of inquiry in which further research, development and dissemination—

[(i) is necessary to attain the National Education Goals;

[(ii) promises to yield the greatest practical benefits to teachers and other educators in terms of improving education; and

[(iii) will not be undertaken in sufficient scope or intensity by the other Federal and non-Federal entities engaged in education research and development.

[(2) CONTENTS OF PLAN.—(A) The research and priorities plan described in paragraph (1) shall, at a minimum—

[(i) set forth specific objectives which can be expected to be achieved as a result of a Federal investment in the priorities set forth in the plan;

[(ii) include recommendations with respect to research and development on cross-cutting issues which should be carried out jointly by 2 or more of the research institutes; and

[(iii) include an evaluative summary of the educational research and development activities undertaken by the Federal Government during the preceding 2 fiscal years, which shall describe—

[(I) what has been learned as a result of such activities;

【(II) how such new knowledge or understanding extends or otherwise relates to what had been previously known or understood;

【(III) the implications of such new knowledge or understanding for educational practice and school reform; and

【(IV) any development, reform, and other assistance activities which have utilized such knowledge or understanding and the effects of such efforts.

【(B) REPORT.—(i) Not later than 6 months after the first meeting of the Board and by October 1 of every second year thereafter, the Assistant Secretary shall publish a report specifying the proposed research priorities of the Office and allow a 60-day period beginning on the date of the publication of the report for public comment and suggestions.

【(ii) Not later than 90 days after the expiration of the 60-day period referred to in clause (i), the Assistant Secretary shall submit to the Board a report specifying the proposed research priorities of the Office and any public comment and suggestions obtained under such subparagraph for the Board's review and approval.

【(g) COORDINATION.—With the advice and assistance of the Board, the Assistant Secretary shall work cooperatively with the Secretary and the other Assistant Secretaries of the Department of Education to establish and maintain an ongoing program of activities designed to improve the coordination of education research, development, and dissemination and activities within such Department and within the Federal Government to—

【(1) minimize duplication in education research, development, and dissemination carried out by the Federal Government;

【(2) maximize the value of the total Federal investment in education research, development, and dissemination; and

【(3) enable entities engaged in education research, development, and dissemination within the Federal Government to interact effectively as partners and take full advantage of the diverse resources and proficiencies which each entity has available.

【(h) ACTIVITIES REQUIRED WITH RESPECT TO COORDINATION.—In carrying out such program of coordination, the Assistant Secretary shall compile (and thereafter regularly maintain) and make available a comprehensive inventory of education research, development, dissemination activities, and expenditures being carried out by the Federal Government.

【(i) STANDARDS FOR THE CONDUCT AND EVALUATION OF RESEARCH.—

【(1) IN GENERAL.—In consultation with the Board, the Assistant Secretary shall develop such standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Office to assure that such activities meet the highest standards of professional excellence. In developing such standards, the Assistant Secretary shall review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in re-

search and development and shall also actively solicit recommendations from research organizations and members of the general public.

[(2) CONTENTS OF STANDARDS.—Such standards shall at a minimum—

[(A) require that a process of open competition be used in awarding or entering into all grants, contracts, and cooperative agreements under this title;

[(B) require that a system of peer review be utilized by the Office—

[(i) for reviewing and evaluating all applications for grants and cooperative agreements and bids for those contracts which exceed \$100,000;

[(ii) for evaluating and assessing the performance of all recipients of grants from and cooperative agreements and contracts with the Office; and

[(iii) for reviewing and designating exemplary and promising programs in accordance with section 941(d);

[(C) describe the general procedures which shall be used by each peer review panel in its operations;

[(D)(i) describe the procedures which shall be utilized in evaluating applications for grants, proposed cooperative agreements, and contract bids; and

[(ii) specify the criteria and factors which shall be considered in making such evaluations;

[(E) describe the procedures which shall be utilized in reviewing educational programs which have been identified by or submitted to the Secretary for evaluation in accordance with section 941(d); and

[(F) require that the performance of all recipients of grants from and contracts and cooperative agreements with the Office shall be periodically evaluated, both during and at the conclusion of their receipt of assistance.

[(3) PUBLICATION AND PROMULGATION OF STANDARDS.—

[(A) The Assistant Secretary shall publish proposed standards—

[(i) which meet the requirements of subparagraphs (A), (B), (C), and (D) of paragraph (2) not later than 1 year after the date of the enactment of this title;

[(ii) which meet the requirements of paragraph (2)(E) not later than 2 years after such date; and

[(iii) which meet the requirements of subparagraph (F) of paragraph (2) not later than 3 years after such date.

[(B) Following the publication of such proposed standards, the Assistant Secretary shall solicit comments from interested members of the public with respect to such proposed standards for a period of not more than 120 days. After giving due consideration to any comments which may have been received, the Assistant Secretary shall transmit such standards to the Board for its review and approval.

[(C) Upon the approval of the Board, the Assistant Secretary shall transmit final standards to the Secretary which meet the requirements of the particular subpara-

graphs of paragraph (2) for which such standards were developed. Such standards shall be binding upon all activities carried out with funds appropriated pursuant to subsection (m).

**[(j) ADDITIONAL RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—**In carrying out the activities and programs of the Office, the Assistant Secretary—

**[(1)** shall be guided by the Research Priorities Plan developed by the Assistant Secretary working collaboratively with the Board and which has been approved by the Board;

**[(2)** shall ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

**[(3)** shall ensure that the selection of research topics and the administration of the program are free from undue partisan political influence;

**[(4)** shall ensure that all statistics and other data collected and reported by the Office shall be collected, cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status whenever feasible (and when such data collection or analysis is not feasible, ensure that the relevant report or document includes an explanation as to why such data collection or analysis is not feasible);

**[(5)** is authorized to administer funds to support a single project when more than 1 Federal agency uses funds to support such project, and the Assistant Secretary may act for all such agencies in administering such funds; and

**[(6)** is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau, to ensure that no student is—

**[(A)** denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

**[(B)** grouped or otherwise labeled in such a way that may impede such student's achievement.

**[(k) INDEPENDENT EVALUATIONS.—**The Secretary shall enter into one or more contracts for the conduct of an independent evaluation of the effectiveness of the implementation of the provisions of this title. Such evaluations shall be transmitted to the Congress, the President, and the Assistant Secretary not later than 54 months after the date of the enactment of this title.

**[(l) DEFINITIONS.—**For purposes of this title, the following definitions apply:

**[(1) ASSISTANT SECRETARY.—**The term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act.

**[(2) AT-RISK STUDENT.—**The term "at-risk student" means a student who, because of limited English proficiency, poverty, race, geographic location, or economic disadvantage, faces a

greater risk of low educational achievement or reduced academic expectations.

【(3) BOARD.—The term “Board” means the National Educational Research Policy and Priorities Board.

【(4) DEVELOPMENT.—The term “development”—

【(A) means the systematic use, adaptation, and transformation of knowledge and understanding gained from research to create alternatives, policies, products, methods, practices, or materials which can contribute to the improvement of educational practice; and

【(B) includes the design and development of prototypes and the testing of such prototypes for the purposes of establishing their feasibility, reliability, and cost-effectiveness.

【(5) DISSEMINATION.—The term “dissemination” means the communication and transfer, through the provision of technical assistance and other means, of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public.

【(6) EDUCATIONAL RESEARCH.—The term “educational research” includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education.

【(7) FIELD-INITIATED RESEARCH.—The term “field-initiated research” means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding.

【(8) NATIONAL EDUCATION DISSEMINATION SYSTEM.—The term “national education dissemination system” means the activities carried out by the Office of Reform Assistance and Dissemination established by section 941.

【(9) OFFICE.—The term “Office”, unless otherwise specified, means the Office of Educational Research and Improvement established in section 208 of the Department of Education Organization Act.

【(10) NATIONAL RESEARCH INSTITUTE.—The term “national research institute” means an institute established in section 931.

【(11) TECHNICAL ASSISTANCE.—The term “technical assistance” means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning, and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

【(12) UNITED STATES; STATE.—The terms “United States” and “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact

of Free Association with the Government of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia.

[(m) AUTHORIZATION OF APPROPRIATIONS.—

[(1) NATIONAL INSTITUTES.—

[(A) For the purpose of carrying out section 931, there is authorized to be appropriated \$68,000,000 for fiscal year 1995.

[(B)(i) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Student Achievement, Curriculum, and Assessment and the National Institute on the Education of At-Risk Students, there are authorized to be appropriated \$60,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

[(ii) Of the total amounts appropriated pursuant to clause (i)—

[(I) 50 percent shall be used by the Assistant Secretary for the purpose of carrying out the provisions of section 931 relating to the National Institute on the Education of At-Risk Students; and

[(II) 50 percent shall be used for the purpose of carrying out the provisions of section 931 relating to the National Institute on Student Achievement, Curriculum, and Assessment.

[(C) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Educational Governance, Finance, Policy-Making, and Management, there are authorized to be appropriated \$10,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

[(D) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Early Childhood Development and Education, there are authorized to be appropriated \$15,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

[(E) For the purpose of carrying out the provisions of section 931 relating to the National Institute on Postsecondary Education, Libraries, and Lifelong Learning, there are authorized to be appropriated \$15,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

[(F) COORDINATION AND SYNTHESIS.—The Assistant Secretary is authorized to reserve not more than 10 percent of the total amounts appropriated in any fiscal year pursuant to subparagraphs (A) through (E) (but not more than 33 percent of the amount appropriated for any single institute in any fiscal year) for the purposes of supporting coordination and synthesis activities described in section 931(i) or to address other priorities which are consistent with the Research Priorities Plan developed by the Assistant Secretary and approved by the Board.

[(2) NATIONAL EDUCATION DISSEMINATION SYSTEM.—

[(A)(i) For the purpose of carrying out paragraph (2) of subsection (b) and subsections (c) through (g) of section 941, there are authorized to be appropriated \$23,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999.

[(ii) Of the amount appropriated under clause (i) for any fiscal year, the Secretary shall make available not less than \$8,000,000 to carry out subsection (f) of section 941 (relating to Educational Resources Information Center Clearinghouses).

[(B) For the purpose of carrying out subsection (h) of section 941 (relating to regional educational laboratories), there are authorized to be appropriated \$41,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999. Of the amounts appropriated under the preceding sentence for a fiscal year, the Secretary shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

[(C) For the purpose of carrying out subsection (j) of section 941 (relating to the teacher research dissemination demonstration program) there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999.

[(D) For the purpose of carrying out subsection (i) of section 941 (relating to the Goals 2000 Community Partnerships program), there are authorized to be appropriated \$30,000,000 for fiscal year 1995, \$50,000,000 for fiscal year 1996, and such sums as are necessary for each of the fiscal years 1997 and 1999.

[(3) NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD.—Of the amounts appropriated under paragraphs (1) and (2) for any fiscal year, the Secretary shall make available 2 percent of such amounts, or \$1,000,000, whichever is less, for the purpose of supporting the activities and expenses of the Board and the collaborative development of the Research Priorities Plan by the Assistant Secretary and the Board.

[(4) ALLOCATIONS FOR GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Of the amounts appropriated under paragraph (1) or (2) for any fiscal year, not less than 95 percent shall be expended to carry out the purposes described in such paragraphs through grants, cooperative agreements, or contracts.

[(5) LIMITATIONS ON APPROPRIATIONS.—No amounts are authorized to be appropriated under paragraph (1) or (2) for fiscal year 1996 or any fiscal year thereafter unless the Board has been appointed in accordance with section 921.

[(6) GRANT AUTHORIZED.—

[(A) IN GENERAL.—From the amounts appropriated pursuant to paragraph (1) for any fiscal year, the Secretary is authorized, in accordance with the provisions of this paragraph, to award a grant of not more than \$5,000,000 to a public or private institution, agency or organization for a

period not to exceed 5 years for the purpose of conducting a State-by-State poll to determine the perceptions of recent graduates of secondary schools, their instructors in institutions of higher education, parents of recent such graduates, and employers of recent such graduates on how well schools have prepared students for further education or employment.

[(B) MATCHING REQUIREMENT.—The grant described in subparagraph (A) shall be awarded on a competitive basis and shall be matched on a two-to-one basis by the recipient.

**[SEC. 913. ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT.**

[Subsection (b) of section 202 of the Department of Education Organization Act is amended—

[(1) in paragraph (1)—

[(A) by striking subparagraph (E); and

[(B) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

[(2) by adding at the end the following new paragraph:

[(3) There shall be in the Department an Assistant Secretary for Educational Research and Improvement who shall be—

[(A) appointed by the President, by and with the consent of the Senate; and

[(B) selected (giving due consideration to recommendations from the National Educational Research Policy and Priorities Board) from among individuals who—

[(i) are distinguished educational researchers or practitioners;

[(ii) have proven management ability; and

[(iii) have substantial knowledge of education within the United States.”.

**[SEC. 914. SAVINGS PROVISION.**

[Notwithstanding any other provision of law, contracts for the regional educational laboratories, Educational Resources Information Center Clearinghouses and research and development centers and regional educational laboratories assisted under section 405 of the General Education Provisions Act, as such section was in effect on the day before the date of the enactment of this title, shall remain in effect until the termination date of such contracts.

**[SEC. 915. EXISTING GRANTS AND CONTRACTS.**

[(a) IN GENERAL.—Notwithstanding any other provision of law, grants and contracts for the research and development centers assisted under section 405 of the General Education Provisions Act, as such section was in effect on the day before the date of enactment of this Act, shall remain in effect until the termination date of such grants or contracts, as the case may be, except that such grants and contracts may be extended to implement the provisions of this title.

[(b) USE OF FUNDS.—In carrying out subsection (a), the Secretary shall use funds appropriated pursuant to section 912(m)(1).

## **[PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD**

### **[SEC. 921. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.**

**[(a) IN GENERAL.—**There is established within the Office a National Educational Research Policy and Priorities Board.

**[(b) FUNCTIONS.—**It shall be the responsibility of the Board to—

**[(1)** work collaboratively with the Assistant Secretary to determine priorities that should guide the work of the Office and provide guidance to the Congress in its oversight of the Office;

**[(2)** review and approve the Research Priorities Plan developed by the Assistant Secretary in collaboration with the Board;

**[(3)** review and approve standards for the conduct and evaluation of all research, development, and dissemination carried out under the auspices of the Office pursuant to this title; and

**[(4)** review regularly, evaluate, and publicly comment upon, the implementation of its recommended priorities and policies by the Department and the Congress.

**[(c) ADDITIONAL RESPONSIBILITIES OF THE BOARD.—**It shall also be the responsibility of the Board to—

**[(1)** provide advice and assistance to the Assistant Secretary in carrying out the coordination activities described in section 912;

**[(2)** make recommendations to the Assistant Secretary of persons qualified to fulfill the responsibilities of the Director of each research institute established by section 931 after making special efforts to identify qualified women and minorities and soliciting and giving due consideration to recommendations from professional associations and interested members of the public;

**[(3)** advise and make recommendations to the President with respect to individuals who are qualified to fulfill the responsibilities of the Assistant Secretary for the Office;

**[(4)** review and comment upon proposed contract grant, and cooperative agreement proposals in accordance with section 931(c)(4);

**[(5)** advise the United States on the Federal educational research and development effort;

**[(6)** recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

**[(7)** recommend ways to strengthen interaction and collaboration between the various program offices and components;

**[(8)** solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

**[(9)** solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this title by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

[(10) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination; and

[(11) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups.

[(d) STANDING SUBCOMMITTEES.—The Board may establish a standing subcommittee for each of the Institutes established by section 931 and for the Office of Reform Assistance and Dissemination established by section 941(b) which shall advise, assist, consult with and make recommendations to the Assistant Secretary, the Board, the Director of such entity and the Congress on matters related to the activities carried out by and through such entities.

[(e) POWERS OF THE BOARD.—In carrying out its functions, powers, and responsibilities, the Board—

[(1) shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule who shall assist in carrying out and managing the activities of the Board and perform such other functions the Board determines to be necessary and appropriate;

[(2) shall utilize such additional staff as may be appointed or assigned by the Assistant Secretary;

[(3) may arrange for the detail of staff personnel and utilize the services and facilities of any department or agency of the Federal Government;

[(4) may enter into contracts, or make other arrangements as may be necessary to carry out its functions;

[(5) shall participate in any public meetings or other activities carried out by the Assistant Secretary in the development of the Research Priorities Plan;

[(6) may review any grant, contract, or cooperative agreement made or entered into by the Office;

[(7) may, to the extent otherwise permitted by law, obtain directly from any department or agency of the United States such information as the Board deems necessary to carry out its responsibilities;

[(8) may convene workshops and conferences, collect data, and establish subcommittees which may be composed of members of the Board and nonmember consultants (including employees of the Department of Education) with expertise in the particular area addressed by such subcommittees; and

[(9) shall establish such rules and procedures to govern its operations as it considers appropriate, to the extent otherwise permitted by law.

[(f) MEMBERSHIP IN GENERAL.—

[(1) QUALIFICATIONS.—The members of the Board shall be individuals who, by virtue of their training, experience, and background in educational research and the education professions, are exceptionally qualified to appraise the educational

research and development effort of the United States and to fulfill the responsibilities described in subsections (b) and (c).

[(2) BROAD REPRESENTATION.—Due consideration shall be given to the gender, race, and ethnicity of appointees to assure that the Board is broadly representative of the diversity of the United States.

[(3) LIMITATION.—A voting member of the Board may not serve on any other governing or advisory board within the Department of Education or as a paid consultant of such Department.

[(4) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

[(g) SECRETARIAL APPOINTMENTS.—The Board shall consist of 15 members appointed by the Secretary. Of the members of the Board—

[(1) five shall be appointed from among researchers in the field of education who have been nominated by the National Academy of Sciences;

[(2) five shall be outstanding school-based professional educators; and

[(3) five shall be individuals who are knowledgeable about the educational needs of the United States and may include parents with experience in promoting parental involvement in education, Chief State School Officers, local educational agency superintendents, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

[(h) REQUIREMENTS FOR NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES.—

[(1) IN GENERAL.—In making nominations for the members of the Board described in subsection (g)(1), the National Academy of Sciences—

[(A) shall give due consideration to recommendations from research and education organizations;

[(B) may not nominate any individual who is an elected officer or employee of such organization; and

[(C) shall nominate not less than 5 individuals for each of the positions on the Board for which such organization has responsibility for making nominations.

[(2) REQUEST FOR ADDITIONAL NOMINATIONS.—In the event that the Secretary determines that none of the individuals nominated by the National Academy of Sciences meets the qualifications for membership on the Board specified in subsection (g), the Secretary may request that such organization make additional nominations.

[(i) NOMINATIONS FOR BOARD MEMBERSHIP.—Prior to appointing any member of the Board, the Secretary shall actively solicit and give due consideration to recommendations from organizations such as the National Education Association, the American Federation of Teachers, the National Parent-Teachers Association, the American Library Association, the American Association of School Administrators, the National Association of State Boards of Education, the National Indian School Board Association, the Association of Com-

munity Tribal Schools, the National Indian Education Association, and other education-related organizations and interested members of the public.

[(j) EX OFFICIO MEMBERS.—The ex officio, nonvoting members of the Board shall include the Assistant Secretary and may also include—

- [(1) the Director of Research for the Department of Defense;
- [(2) the Director of Research for the Department of Labor;
- [(3) the Director of the National Science Foundation;
- [(4) the Director of the National Institutes of Health;
- [(5) the chair of the National Endowment for the Arts;
- [(6) the chair of the National Endowment for the Humanities;
- [(7) the Librarian of Congress; and
- [(8) the Director of the Office of Indian Education Programs of the Department of the Interior.

[(k) CHAIR.—The Board shall select a Chair from among its appointed members who shall serve for a renewable term of 2 years.

[(l) TERMS OF OFFICE.—

[(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term of office of each voting member of the Board shall be 6 years.

[(2) EXCEPTIONS.—(A) Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term for which the predecessor of the individual was appointed shall be appointed for the remainder of the term. A vacancy shall be filled in the same manner in which the original appointment was made.

[(B) The terms of office of the members of the Board who first take office after the date of the enactment of this title shall, as designated by a random selection process at the time of appointment, be as follows:

- [(i) 3 years for each of 5 members of the Board.
- [(ii) 4 years for each of 5 members of the Board.
- [(iii) 6 years for each of 5 members of the Board.

[(3) PROHIBITION ON CERTAIN CONSECUTIVE TERMS.—An individual who has been a member of the Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period beginning on the date of the expiration of the 12th year.

[(4) PROHIBITION REGARDING REMOVAL.—The Secretary shall neither remove nor encourage the departure of a member of the Board before the expiration of such member's term.

[(m) MEETINGS OF BOARD.—

[(1) INITIAL MEETING.—The Secretary shall ensure that the first meeting of the Board is held not later than May 15, 1995.

[(2) SUBSEQUENT MEETINGS.—The Board shall meet quarterly, at the call of the Chair, and when at least one-third of the members of the Board make a written request to meet.

[(3) QUORUM.—A majority of the Board shall constitute a quorum.

[(4) OPEN MEETINGS.—The Government in the Sunshine Act (5 U.S.C. 552b) shall apply to meetings of the Board.

## [PART C—NATIONAL RESEARCH INSTITUTES

### [(SEC. 931. ESTABLISHMENT WITHIN THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

[(a) ESTABLISHMENT OF INSTITUTES.—In order to fulfill the research and development purposes of the Office, and to carry out a program of high-quality and rigorously evaluated research and development that is capable of improving Federal, State, Indian tribal, and local education policies and practices, there are established within the Office the following Institutes:

[(1) The National Institute on Student Achievement, Curriculum, and Assessment.

[(2) The National Institute on the Education of At-Risk Students.

[(3) The National Institute on Educational Governance, Finance, Policy-Making, and Management.

[(4) The National Institute on Early Childhood Development and Education.

[(5) The National Institute on Postsecondary Education, Libraries, and Lifelong Education.

#### [(b) DIRECTORS.—

[(1) IN GENERAL.—Each Institute established by subsection (a) shall be headed by a Director who shall be appointed by the Assistant Secretary from among individuals who have significant experience and expertise in the disciplines relevant to the purposes of such Institute. The Assistant Secretary shall give due consideration to recommendations made by the Board of individuals qualified to fill the position.

[(2) REPORTING.—Each Director shall report directly to the Assistant Secretary regarding the activities of the Institute and shall work with the other directors to promote research synthesis across the Institutes.

#### [(c) AUTHORITIES AND DUTIES.—

[(1) IN GENERAL.—The Assistant Secretary is authorized to conduct research, development, demonstration, and evaluation activities to carry out the purposes for which such Institute was established—

[(A) directly;

[(B) through grants, contracts, and cooperative agreements with institutions of higher education, regional educational laboratories, public and private organizations, institutions, agencies, and individuals, or a consortium thereof, which may include—

[(i) grants to support research and development centers which are—

[(I) awarded competitively for a period of 5 years and which may be renewed for an additional 5 years;

[(II) of sufficient size, scope, and quality, and funded at not less than \$1,500,000 annually in order to support a full range of basic research, applied research and dissemination activities, which may also include development activities; and

[(III) established by institutions of higher education, by institutions of higher education in con-

sortium with public agencies or private nonprofit organizations, or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development;

[(ii) meritorious unsolicited proposals for educational research and related activities;

[(iii) proposals that are specifically invited or requested by the Assistant Secretary, on a competitive basis; and

[(iv) dissertation grants, awarded for a period of not more than 2 years and in a total amount not to exceed \$20,000 to graduate students in the sciences, humanities, and the arts to support research by such scholars in the field of education;

[(C) through the provision of technical assistance;

[(D) through the award of fellowships to support graduate study in educational research by qualified African-American, Hispanic, American Indian and Alaska Native, and other individuals from groups which have been traditionally underrepresented in the field of educational research which shall—

[(i) be awarded on the basis of merit for a period of 3 years; and

[(ii) provide stipends to each fellow in an amount which shall be set at a level of support comparable to that provided by the National Science Foundation Graduate Fellowships, except that such amounts shall be adjusted as necessary so as not to exceed each fellow's demonstrated level of need; and

[(E) through the award of fellowships in the Office for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research which—

[(i) shall be awarded following the biennial publication in the Federal Register of proposed research priorities and a period of 60 days for public comments and suggestions with respect to such priorities;

[(ii) shall be awarded competitively following the publication of a notice in the Federal Register inviting the submission of applications; and

[(iii) may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

[(2) SCOPE AND FOCUS OF ACTIVITIES.—In carrying out the purposes for which each Institute is established, the Assistant Secretary shall—

[(A) maintain an appropriate balance between applied and basic research;

[(B) significantly expand the role of field-initiated research in meeting the education research and development needs of the United States by reserving not less than 20 percent of the amounts available to each Institute in fiscal

years 1996 and 1997 and 25 percent in fiscal years 1998 and 1999 to support field-initiated research;

[(C) provide for and maintain a stable foundation of long-term research and development on core issues and concerns conducted through university-based research and development centers by reserving not less than one-third of the amounts available to each Institute in any fiscal year to support such research and development centers;

[(D) support and provide research information that leads to policy formation by State legislatures, State and local boards of education, schools funded by the Bureau, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

[(E) promote research that is related to the core content areas;

[(F) plan and coordinate syntheses that provide research knowledge related to each level of the education system (from preschool to postsecondary education) to increase understanding of student performance across different educational levels;

[(G) conduct and support research in early childhood, elementary and secondary, vocational, adult and postsecondary education (including the professional development of teachers) to the extent that such research is related to the purposes for which such Institute has been established;

[(H) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of its work; and

[(I) coordinate the Institute's activities with the activities of the regional educational laboratories and with other educational service organizations in designing the Institute's research agenda and projects in order to increase the responsiveness of such Institute to the needs of teachers and the educational field and to bring research findings directly into schools to ensure greatest access at the local level to the latest research developments.

[(3) REQUIREMENTS REGARDING FINANCIAL ASSISTANCE.—No grant, contract, or cooperative agreement may be made under this title unless—

[(A) sufficient notice of the availability of, and opportunity to compete for, assistance has first been provided to potential applicants through notice published in the Federal Register or other appropriate means;

[(B) such grant, contract, or agreement has been evaluated through peer review in accordance with the standards developed pursuant to section 912(i);

[(C) such grant, contract, or agreement will be evaluated in accordance with the standards developed pursuant to section 912(i);

[(D) in the case of a grant, contract, or cooperative agreement which exceeds \$500,000 for a single fiscal year or \$1,000,000 for more than one fiscal year, the Secretary has complied with the requirements of paragraph (4); and

[(E) in the case of a grant, contract, or cooperative agreement to support a research and development center, all applications for such assistance have been evaluated by independent experts according to standards and criteria which include—

[(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

[(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

[(iii) whether there is a substantial staff commitment to the work of the center;

[(iv) whether the directors and support staff will devote a majority of their time to the activities of the center;

[(v) review of the contributions of primary researchers (other than researchers at the proposed center) to evaluate the appropriateness of such primary researcher's experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researcher's time commitment to achievement of the mission of the center; and

[(vi) the manner in which the results of education research will be disseminated for further use, including how the center will work with the Office of Reform Assistance and Dissemination.

[(4) BOARD REVIEW OF CERTAIN PROPOSED GRANT AND CONTRACT ACTIONS.—The Assistant Secretary may not solicit any contract bid or issue a request for proposals or applications for any grant or cooperative agreement the amount of which exceeds \$500,000 in any single fiscal year or which exceeds an aggregate amount of \$1,000,000 for more than one fiscal year unless the Board has had an opportunity to review such proposed grant, contract, or cooperative agreement and to provide written comments to the Assistant Secretary with respect to whether—

[(A) the purposes and scope of the proposed action are consistent with the Research Priorities Plan; and

[(B) the methodology and approach of the proposed action are sound and adequate to achieve the objectives of such grant, contract, or cooperative agreement.

[(5) HISTORICALLY UNDERUTILIZED RESEARCHERS AND INSTITUTIONS.—The Assistant Secretary shall establish and maintain initiatives and programs to increase the participation in the activities of each Institute of groups of researchers and institutions that have been historically underutilized in Federal educational research activities, including—

[(A) researchers who are women, African-American, Hispanic, American Indian and Alaska Native, or other ethnic minorities;

[(B) promising young or new researchers in the field, such as postdoctoral students and recently appointed assistant or associate professors;

[(C) Historically Black Colleges and Universities, Tribally Controlled Community Colleges, and other institutions of higher education with large numbers of minority students;

[(D) institutions of higher education located in rural areas; and

[(E) institutions and researchers located in States and regions of the United States which have historically received the least Federal support for educational research and development.

[(6) ADDITIONAL AUTHORITIES.—The Assistant Secretary—

[(A) may obtain (in accordance with section 3109 of title 5 but without regard to the limitation in such section on the period of service) the services of experts or consultants with scientific or professional qualifications in the disciplines relevant to the purposes of such Institute;

[(B) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefore; and

[(C) may accept voluntary and uncompensated services.

[(d) NATIONAL INSTITUTE ON STUDENT ACHIEVEMENT, CURRICULUM, AND ASSESSMENT.—

[(1) FINDINGS.—The Congress finds as follows:

[(A) The current achievement levels of students in the United States are far below those that might indicate competency in challenging subject matter in core content areas.

[(B) During the last 20 years, relatively little changed in how students were taught. Despite much research suggesting better alternatives, classrooms continue to be dominated by textbooks, teacher lectures, short-answer activity sheets, and unequal patterns of student attention.

[(C) Despite progress in narrowing the gaps, the differences in performance between Caucasian students and their minority counterparts remain unacceptably large. While progress has been made in reducing the gender gap in mathematics, such gap still remains at higher levels of problem solving. Too little progress has been made in reducing gender performance gaps favoring males in science and females in writing.

[(2) PURPOSE.—The purpose of the National Institute on Student Achievement, Curriculum, and Assessment is to carry out a coordinated and comprehensive program of research and development to provide research-based leadership to the United States as it seeks to improve student achievement in core content areas and the integration of such areas. Such program shall—

[(A) identify, develop, and evaluate innovative and exemplary methods to improve student knowledge at all levels in the core content areas, such as—

[(i) student learning and assessment in various subject matters;

[(ii) the effects of organizational patterns on the delivery of instruction, including issues of grouping and

tracking, ungraded classrooms, and on the effects of various pedagogies, including the issues of technology in education;

[(iii) standards for what students should know and be able to do, particularly standards of desired performance set to internationally competitive levels;

[(iv) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

[(v) enabling students to develop higher order thinking skills;

[(vi) methods to teach effectively all students in mixed-ability classrooms;

[(vii) curriculum, instruction, and assessment, in vocational education and school-to-work transition;

[(viii) the impact and effectiveness of Federal, State, and local efforts to provide gender-fair educational opportunities to elementary and secondary students;

[(ix) programs, policies, and approaches which promote gender equity in elementary and secondary education;

[(x) improving the working conditions of teachers and other educational practitioners, which may include such topics as—

[(I) teacher isolation;

[(II) professional resources available to teachers;

[(III) continuing educational and professional opportunities available to teachers;

[(IV) physical facilities and equipment, such as office space, telephone, computer access, and fax machines and television cable access available to teachers in the work environment;

[(V) opportunities for teachers to share information and resources with other teachers and education professionals;

[(VI) opportunities for advanced learning experience; and

[(VII) the reduction of stress in the teaching profession;

[(xi) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

[(xii) the need for, and methods of delivering, teacher education, development, and inservice training;

[(xiii) educational methods and activities to reduce and prevent violence in schools;

[(xiv) the use of technology in learning, teaching and testing; and

[(xv) other topics relevant to the mission of the institute;

[(B) conduct basic and applied research in the areas of human learning, cognition, and performance, including research and development on the education contexts which

promote excellence in learning and instruction, and motivational issues related to learning;

【(C) identify, develop, and evaluate programs designed to enhance academic achievement and narrow racial and gender performance gaps in a variety of subject areas, including research and development on methods of involving parents in their children's education and ways to involve business, industry and other community partners in promoting excellence in schools; and

【(D) include a comprehensive, coordinated program of research and development in the area of assessment which—

【(i) addresses issues such as—

【(I) the validity, reliability, generalizability, costs, relative merits, and most appropriate uses of various approaches and methods of assessing student learning and achievement;

【(II) methods and approaches to assessing student opportunities to learn (including the quality of instruction and the availability of resources necessary to support learning) and evaluating the quality of school environment;

【(III) the impact of high-stakes uses of assessment on student performance and motivation, narrowing of curriculum, teaching practices, and test integrity;

【(IV) the impact of various methods of assessment on children of different races, ethnicities, gender, socioeconomic status, and English language proficiencies, and children with other special needs;

【(V) standards of performance, quality, and validity for various methods of assessment and the means by which such standards should be developed;

【(VI) current and emerging testing practices of State and local education agencies within the United States, as well as other nations;

【(VII) the diverse effects, both intended and unintended, of assessments as actually used in the schools, including effects on curriculum and instruction, effects on equity in the allocation of resources and opportunities, effects on equity of outcomes, effects on other procedures and standards for judging students and practitioners and possible inflation of test scores;

【(VIII) identifying and evaluating how students with limited-English proficiency and students with disabilities are included and accommodated in the various assessment programs of State and local education agencies;

【(IX) the feasibility and validity of comparing or equating the results of different assessments;

【(X) test security, accountability, validity, reliability, and objectivity;

[(XI) relevant teacher training and instruction in giving a test, scoring a test, and in the use of test results to improve student achievement;

[(XII) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge; and

[(XIII) other topics relevant to the purposes of the Institute; and

[(ii) may reflect recommendations made by the National Education Goals Panel.

[(e) NATIONAL INSTITUTE ON THE EDUCATION OF AT-RISK STUDENTS.—

[(1) FINDINGS.—The Congress finds as follows:

[(A) The rate of decline in our urban schools is escalating at a rapid pace. Student performance in most inner city schools grows worse each year. At least half of all students entering ninth grade fail to graduate 4 years later and many more students from high-poverty backgrounds leave school with skills that are inadequate for today's workplace. Student performance in many inner city neighborhoods grows worse each year. At least half of all students entering ninth grade fail to graduate in 4 years. In 1992, the average National Assessment of Educational Progress reading score of Caucasian 17 year-olds was approximately 25 points higher than that of African-American 17 year-olds and 20 points higher than that of Hispanic 17 year-olds.

[(B) Rural schools enroll a disproportionately large share of the poor and at-risk students of the United States and yet often lack the means to address effectively the needs of these children. Intensive efforts should be made to overcome the problems of geographic isolation, declining population, inadequate financial resources and other impediments to the educational success of children residing in rural areas.

[(C) By the year 2000, an estimated 3,400,000 school age children with limited-English proficiency will be entering the school system. The Federal Government should develop effective policies and programs to address the educational needs of this growing population of children who are at increased risk of educational failure.

[(D) An educational emergency exists in those urban and rural areas where there are large concentrations of children who live in poverty. The numbers of disadvantaged children will substantially increase by the year 2020, when the number of impoverished children alone will be 16,500,000, a 33 percent increase over the 12,400,000 children in poverty in 1987.

[(E) American Indian and Alaska Native students have high dropout, illiteracy and poverty rates, and experience cultural, linguistic, social and geographic isolation. The estimated 400,000 Indian and Alaska Native student population from over 500 Indian and Alaska Native tribes, is small and scattered throughout remote reservations and

villages in 32 States, and in off-reservation rural and urban communities where Indians constitute but a small percentage of public school student bodies. To meaningfully address the special educational needs of this historically under-served population, the existing research and development system should be opened to Indian and Alaska Native people to identify needs and design ways to address such needs.

[(F) Minority scholars as well as institutions and groups that have been historically committed to the improvement of the education of at-risk students need to be more fully mobilized in the effort to develop a new generation of programs, models, practices, and schools capable of responding to the urgent needs of students who are educationally at-risk.

[(2) PURPOSE.—It shall be the purpose of the Institute on the Education of At-Risk Students to carry out a coordinated and comprehensive program of research and development to provide nonpartisan, research-based leadership to the United States as it seeks to improve educational opportunities for at-risk students. Such program shall—

[(A) undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate and adapt interventions, programs, and models which promote greater achievement and educational success by at-risk students, such as—

[(i) methods of instruction and educational practices (including community services) which improve the achievement and retention of at-risk students;

[(ii) the quality of educational opportunities afforded at-risk students, particularly the quality of educational opportunities afforded such students in highly concentrated urban areas and sparsely populated rural areas;

[(iii) methods for overcoming the barriers to learning that may impede student achievement;

[(iv) innovative teacher training and professional development methods to help at-risk students meet challenging standards;

[(v) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau, but also in public elementary and secondary schools located on or near Indian reservations, including—

[(I) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau on an Indian reservation;

[(II) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geog-

raphy, history and social studies, and graduation requirements related to such curriculum;

[(III) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

[(IV) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

[(V) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors;

[(vi) means by which parents and community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

[(vii) the training of teachers and other educational professionals and paraprofessionals to work more effectively with at-risk students;

[(viii) the most effective uses of technology in the education of at-risk students;

[(ix) programs designed to promote gender equity in schools that serve at-risk students;

[(x) improving the ability of classroom teachers and schools to assist new and diverse populations of students in successfully assimilating into the classroom environment;

[(xi) methods of assessing the achievement of students which are sensitive to cultural differences, provide multiple methods of assessing student learning, support student acquisition of higher order capabilities, and enable identification of the effects of inequalities in the resources available to support the learning of children throughout the United States; and

[(xii) other topics relevant to the purpose of the Institute; and

[(B) maximize the participation of those schools and institutions of higher education that serve the greatest number of at-risk students in inner city and rural areas, and on Indian reservations, including model collaborative programs between schools and school systems, institutions of higher education, cultural institutions, and community organizations.

[(3) CONSULTATION WITH INDIAN AND ALASKA NATIVE EDUCATORS.—All research and development activities supported by the Institute which relate to the education of Indian and Alaska Native students shall be developed in close consultation with Indian and Alaska Native researchers and educators, Tribally Controlled Community Colleges, tribal departments of education, and others with expertise in the needs of Indian and Native Alaska students.

【(f) NATIONAL INSTITUTE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—

【(1) FINDINGS.—The Congress finds as follows:

【(A) Despite efforts to expand and improve preschool programs, many children still reach school age unprepared to benefit from formal education programs.

【(B) Early intervention for disadvantaged children from birth to age five has been shown to be a highly cost-effective strategy for reducing later expenditures on a wide variety of health, developmental, and educational problems that often interfere with learning. Long-term studies of the benefits of preschool education have a demonstrated return on investment ranging from three to six dollars for every one dollar spent.

【(C) The Federal Government should play a central role in providing research-based information on early childhood education models which enhance children's development and ultimately their success in school.

【(2) PURPOSE.—The purpose of the National Institute on Early Childhood Development and Education is to carry out a comprehensive program of research and development to provide nonpartisan, research-based leadership to the United States as it seeks to improve early childhood development and education. Such program shall undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate methods and approaches that promise to improve early childhood development and education, such as—

【(A) social and educational development of infants, toddlers, and preschool children;

【(B) the role of parents and the community in promoting the successful social and educational development of children from birth to age five;

【(C) topics relating to children's readiness to learn, such as prenatal care, nutrition, and health services;

【(D) family literacy and parental involvement in student learning;

【(E) methods for integrating learning in settings other than the classroom, particularly within families and communities;

【(F) practices and approaches which sustain the benefits of effective preschool and child care programs;

【(G) effective learning methods and curriculum for early childhood learning, including access to current materials in libraries;

【(H) the importance of family literacy and parental involvement in student learning;

【(I) effective teaching and learning methods, and curriculum;

【(J) instruction that considers the cultural environment of children;

【(K) access to current materials in libraries;

【(L) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

[(M) the structure and environment of early childhood education and child care settings which lead to improved social and educational development;

[(N) training and preparation of teachers and other professional and paraprofessional preschool and child care workers;

[(O) the use of technology, including methods to help parents instruct their children; and

[(P) other topics relevant to the purpose of the Institute.

[(3) CERTAIN REQUIREMENTS.—In carrying out the activities of the Institute, the Assistant Secretary shall ensure that the Institute’s research and development program provides information that can be utilized in improving the major Federal early childhood education programs.

[(g) NATIONAL INSTITUTE ON EDUCATIONAL GOVERNANCE, FINANCE, POLICY-MAKING, AND MANAGEMENT.—

[(1) FINDINGS.—The Congress finds as follows:

[(A) Many elementary and secondary schools in the United States—

[(i) are structured according to models that are ineffective and rely on notions of management and governance that may be outdated or insufficient for the challenges of the next century; and

[(ii) are unsuccessful in equipping all students with the knowledge and skills needed to succeed as citizens and in the working world.

[(B) New approaches are needed in the governance and management of elementary and secondary education within the United States at the State, local, school building and classroom level.

[(C) Not enough is known about the effects of various systems of school governance and management on student achievement to provide sound guidance to policymakers as such policymakers pursue school restructuring and reform.

[(D) A concentrated Federal effort is needed to support research, development, demonstration, and evaluation of approaches to school governance, finance and management which promise to improve education equity and excellence throughout the United States.

[(2) PURPOSE.—It shall be the purpose of the National Institute on Educational Governance, Finance, Policy-Making, and Management to carry out a coordinated and comprehensive program of research and development to provide nonpartisan, research-based leadership to the United States as it seeks to improve student achievement through school restructuring and reform. Such program shall undertake research necessary to provide a sound basis from which to identify, develop and evaluate approaches in elementary and secondary school governance, finance, policy-making, and management at the State, local, tribal, school building and classroom level which promise to improve educational equity and excellence, such as—

[(A) open enrollment programs, public school choice, magnet schools and other systems through which parents may select the public schools and educational programs in which their children are enrolled;

[(B) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 102 of the Education Council Act of 1991 (20 U.S.C. 1221–1 note);

[(C) effective approaches to organizing learning;

[(D) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

[(E) effective approaches to organizing, structuring, and financing vocational education;

[(F) the provision of financial and other rewards and incentives to schools and educators based on performance to improve student achievement;

[(G) the use of regulatory flexibility on the State or school district level to promote innovation and school restructuring;

[(H) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

[(I) the effective use of dollars for classroom construction;

[(J) expanding the role of teachers in policymaking and administration at the school and school district-wide level;

[(K) disparity in school financing among States, school districts, schools, and schools funded by the Bureau;

[(L) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau;

[(M) the involvement of parents and families in the management and governance of schools and the education of their children;

[(N) effective approaches to increasing the representation of women and minorities among leadership and management positions in education;

[(O) approaches to systemic reforms involving the coordination of multiple policies of each level of government to promote higher levels of student achievement;

[(P) approaches to coordinated services for children;

[(Q) teacher certification at the State and tribal levels;

[(R) school-based management, shared decisionmaking and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

[(S) policies related to school-to-work transitions and preparing non-college-bound students; and

[(T) other topics relevant to the mission of the Institute.

[(h) NATIONAL INSTITUTE ON POSTSECONDARY EDUCATION, LIBRARIES, AND LIFELONG LEARNING.—

[(1) FINDINGS.—The Congress finds as follows:

【(A) The American system of postsecondary education is foremost in the world in such system's achievement of both academic excellence and equity in access, but maintaining that preeminence requires renewed efforts to strengthen the quality of postsecondary education. Disappointing student performance on achievement tests and licensure examinations, declining rates of postsecondary education persistence and completion among minorities, and other troubling trends in the quality of postsecondary education should be addressed by the United States as part of its overall drive to improve American education.

【(B) The need to improve our economic productivity of the United States to meet the competitive challenges of a new, international economy, coupled with high levels of mobility in the United States labor market and demographic changes in the workforce, now demands more and higher quality programs of learning and training in the American workplace.

【(C) The more than 1,000,000 men and women incarcerated in the prisons and jails in the United States are among the most severely educationally disadvantaged in the United States, with high rates of functional illiteracy and extremely low levels of educational attainment. Since an estimated 90 percent of these individuals are expected to be released by the end of the decade, the United States must act to assure that our correctional system has the means to equip these Americans with the knowledge and skills they will need to participate productively in our society.

【(D) The development of a "Nation of Students" capable of and committed to the pursuit of formal and informal lifelong learning and literacy is essential to sustain both national and individual economic success and to provide a nurturing environment in which all children and youth can learn and achieve. Historically the most effective community resource for lifelong learning, the public library system of the United States, should expand and restructure its delivery of services to take full advantage of the potential of new information technologies to meet the needs of learning communities.

【(2) PURPOSE.—The purpose of the National Institute on Postsecondary Education, Libraries, and Lifelong Learning is to promote greater coordination of Federal research and development on issues related to adult learning and to carry out a program of research and development in adult learning to provide nonpartisan, research-based leadership to the United States as it seeks to improve libraries, postsecondary education, literacy, and lifelong learning throughout the United States. Such program—

【(A) shall only support research and development in those areas of postsecondary education, libraries, literacy, and lifelong learning which are not being addressed by other entities within the Federal Government;

[(B) may include basic and applied research, development, replication, and evaluation activities in areas such as—

[(i) methods of assessing and evaluating individual, program, and institutional performance;

[(ii) the uses and applications of new technologies to improve program effectiveness and enhance student learning;

[(iii) the most effective training methods for adults to upgrade education and vocational skills;

[(iv) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

[(v) adult literacy and effective methods, including technology, to eliminate illiteracy;

[(vi) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

[(vii) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

[(viii) institutional and classroom policies and practices at the postsecondary level necessary to improve matriculation, persistence, achievement and graduation by students who are economically disadvantaged, ethnic and racial minorities, women, older, working, and who have children;

[(ix) instructional practices and programs which are effective in correctional settings;

[(x) new models of service delivery for public library systems which expand opportunities for lifelong learning;

[(xi) effective programs and approaches which promote greater access to and success by minorities in postsecondary programs which prepare such minorities for scientific, technical, teaching, and health career fields;

[(xii) effective teaching for the preparation and continuing education of teachers;

[(xiii) the development and evaluation of curricular materials for the initial and continuing education of teachers and teacher educators;

[(xiv) the role of Historically Black Colleges and Universities, Tribally Controlled Indian Community Colleges, women's colleges, and other special mission institutions in providing access, excellence, and equal opportunity in higher education;

[(xv) methods for evaluating the quality of education at different types of institutions of higher education at all levels and the roles and responsibilities of regional and national accrediting agencies;

[(xvi) methods for evaluating the productivity of different types of institutions of higher education;

[(xvii) financial barriers to postsecondary educational opportunity, including—

[(I) the role of Federal programs authorized under title IV of the Higher Education Act of 1965 and State grant and work programs in mitigating such barriers;

[(II) the impact of the rising total cost of postsecondary education on access to higher education; and

[(III) the extent and impact of student reliance on loans to meet the costs of higher education;

[(xviii) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

[(xix) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks; and

[(xx) other topics relevant to the mission of the Institute.

[(3) INVOLVEMENT OF CERTAIN AGENCIES AND ORGANIZATIONS.—In promoting coordination and collaboration on research and development on issues related to postsecondary education, literacy, libraries, and lifelong learning, the Institute shall, as appropriate, seek the involvement—

[(A) within the Department of Education of—

[(i) the Office of Library Programs;

[(ii) the Office of Correctional Education;

[(iii) the Office of Vocational and Adult Education;

[(iv) the National Institute on Disability and Rehabilitation Research; and

[(v) the Office of Postsecondary Education;

[(B) of the National Institute for Literacy;

[(C) of the National Board for Professional Teaching Standards;

[(D) of the Employment and Training Administration of the Department of Labor;

[(E) of the Administration for Children and Families within the Department of Health and Human Services;

[(F) of the National Institutes of Health;

[(G) of the National Endowment for the Humanities;

[(H) of the National Endowment for the Arts;

[(I) of the Bureau of Prisons of the Department of Justice;

[(J) of the Department of Commerce;

[(K) of the Department of Defense; and

[(L) of the Office of Indian Education Programs of the Department of the Interior.

[(4) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities described in paragraph (2), the Assistant Secretary shall ensure that the activities of the National Center on Literacy are fully coordinated with those of the National Institute for Literacy.

[(i) COORDINATION AND RESEARCH SYNTHESIS.—The Assistant Secretary shall promote and provide for research syntheses and the coordination of research and development activities among the Institutes established by this section to investigate those cross-cutting disciplines and areas of inquiry which are relevant to the missions of more than one of the Institutes. Such activities—

[(1) may be carried out jointly by any one of the Institutes and—

[(A) one (or more) of the Institutes;

[(B) the National Center for Education Statistics; or

[(C) any research and development entity administered by other offices of the Department of Education or by any other Federal agency or department; and

[(2) shall meet all the standards developed by the Assistant Secretary and approved by the Board for other research and development conducted by the Office.

[(j) DATES FOR ESTABLISHMENT OF INSTITUTES.—The National Institute on the Education of At-Risk Students, the National Institute on Educational Governance, Finance, Policy-Making, and Management, the National Institute on Early Childhood Development and Education, the National Institute on Student Achievement, Curriculum, and Assessment and the National Institute on Postsecondary Education, Libraries, and Lifelong Learning shall each be established on October 1, 1995.

## **[PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM**

### **[SEC. 941. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.**

[(a) IN GENERAL.—

[(1) FINDINGS.—The Congress finds as follows:

[(A) In order to improve the American educational system for all students, achieve the National Education Goals, and provide for greater educational equity, policymakers, administrators, teachers, and parents must have ready access to the best information and methods available as a result of educational research and development.

[(B) The Office of Educational Research and Improvement should have as one of its primary purposes the dissemination of such information and methods in order to assist the national education reform effort.

[(C) All current resources within the Office, the Department of Education, and other agencies that can help accomplish the purposes described in subparagraph (B) should be coordinated by the Assistant Secretary, to the extent practicable, so as to form a systematic process to accomplish such purposes.

[(D) Education research has the capacity to improve teaching and learning in our Nation's schools, however, teachers need training in the skills necessary to translate research into practice and to allow teachers to become knowledgeable practitioners and leaders in educational improvement.

[(E) Adequate linkages between research and development providers and practitioners are essential to ensuring that research on effective practice is useful, disseminated to and supported with technical assistance for all educators, and that all educators are partners in the research and development process.

[(2) PURPOSE.—The purpose of this section is to—

[(A) create a national system of dissemination, development, and educational improvement in order to create, adapt, identify, validate, and disseminate to educators, parents, and policymakers those educational programs that have potential or have been shown to improve educational opportunities for all students; and

[(B) empower and increase the capacity of teachers to participate in the research and development process.

[(3) DEFINITION OF EDUCATIONAL PROGRAM.—For the purposes of this section, the term “educational program” includes educational policies, research findings, practices, and products.

[(b) ESTABLISHMENT OF OFFICE.—

[(1) IN GENERAL.—There is established within the Office an Office of Reform Assistance and Dissemination (hereafter in this section referred to as the “Dissemination Office”) through which the Secretary shall carry out all functions and activities described in this section. Such office shall be headed by a Director who shall be appointed by the Assistant Secretary and have demonstrated expertise and experience in dissemination, including promoting the effective use of research in the classroom.

[(2) CERTAIN DUTIES.—The Dissemination Office shall—

[(A) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools, educators, parents, and policymakers throughout the United States;

[(B) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

[(C) provide technical and financial assistance to individuals and organizations in the process of developing promising educational programs but who might not, without such assistance, be able to complete necessary development and assessment activities;

[(D) coordinate the dissemination efforts of the Office, the regional educational laboratories, the research institutes, the National Diffusion Network, and the Educational Resources Information Center Clearinghouses;

[(E) provide training and technical assistance regarding the implementation and adoption of exemplary and promising programs by interested entities;

[(F) carry out a program of research on models for successful knowledge dissemination, and utilization, and strategies for reaching education policymakers, practitioners, and others interested in education;

[(G) develop the capacity to connect schools and teachers seeking information with the relevant regional educational

laboratories assisted under subsection (h), the National Diffusion Network, the Institutes assisted under this section, and the Educational Resources Information Center Clearinghouses; and

[(H) provide a biennial report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

[(3) ADDITIONAL DUTIES.—The Dissemination Office shall carry out a process for the identification of educational programs that work, dissemination through electronic networking and new technologies and the functions and activities performed by the following:

[(A) The Educational Resources Information Center Clearinghouses.

[(B) The regional educational laboratories.

[(C) The Teacher Research Dissemination Demonstration Program.

[(D) The Goals 2000 Community Partnerships Program.

[(E) The existing National Diffusion Network and its Developer-Demonstrator and State Facilitator projects.

[(F) Such other programs, activities, or entities the Secretary determines are consistent with purposes for which the Dissemination Office is established.

[(c) IDENTIFICATION OF PROGRAMS.—The Assistant Secretary shall coordinate a process through which successful educational programs are actively sought out for possible dissemination through the national educational dissemination system. Such process shall, at a minimum, have the capability to—

[(1) work closely with the Institutes, research and development centers, regional educational laboratories, the National Diffusion Network and its Developer-Demonstrator and State Facilitator projects, learning grant institutions established under the Goals 2000 Community Partnerships Program, Department of Education-supported technical assistance providers, and other entities to identify successful educational programs at the regional, State, local, or classroom level;

[(2) review successful educational programs supported by the Department of Education through all of its programs;

[(3) through cooperative agreements, review for possible inclusion in the system educational programs administered by the Departments of Health and Human Services (particularly the Head Start program), Labor, and Defense, the National Science Foundation, the Department of the Interior (particularly the Office of Indian Education Programs), and any other appropriate Federal agency; and

[(4) provide for an active outreach effort to identify successful educational programs through cooperative arrangements with State and local education agencies, teachers and teacher organizations, curriculum associations, foundations, private schools, institutions of higher education, and other entities

that could enhance the ability of the Secretary to identify programs for possible inclusion in the dissemination system.

**[(d) DESIGNATION OF EXEMPLARY AND PROMISING PROGRAMS.—**

**[(1) IN GENERAL.—**The Assistant Secretary, in consultation with the Board, shall establish 1 or more panels of appropriately qualified experts and practitioners to—

**[(A)** evaluate educational programs that have been identified by the Secretary under subsection (c) or that have been submitted to the Secretary for such evaluation by some other individual or organization; and

**[(B)** recommend to the Secretary programs that should be designated as exemplary or promising educational programs.

**[(2) CONSIDERATIONS IN MAKING RECOMMENDATIONS.—**In determining whether an educational program should receive a recommendation under paragraph (1), a panel established under such paragraph shall consider—

**[(A)** whether, based on empirical data, which may include test results, the program is effective and should be designated as exemplary and disseminated through the national dissemination system; or

**[(B)** whether there is sufficient evidence to lead a panel of experts and practitioners to believe that the program shows promise for improving student achievement and should be designated as promising and disseminated through the national dissemination system while the program continues to be evaluated.

**[(3) REQUIREMENT REGARDING APPROVAL OF PROGRAMS.—**In seeking out programs for approval under paragraph (2), the Assistant Secretary shall seek programs that may be implemented at the State, local, and classroom level.

**[(4) REQUIREMENTS REGARDING PANELS.—**

**[(A)** A panel shall not eliminate a program from consideration under this subsection based solely on the fact that the program does not have one specific type of supporting data, such as test scores.

**[(B)** The Assistant Secretary may not designate a program as exemplary or promising unless a panel established under paragraph (1) has recommended that the program be so designated.

**[(C)** The Secretary shall establish such panels under paragraph (1) as may be necessary to ensure that each program identified or submitted for evaluation is evaluated.

**[(D)** Not less than  $\frac{2}{3}$  of the membership of a panel established under paragraph (1) shall consist of individuals who are not officers or employees of the United States. Members of panels under paragraph (1) who are not employees of the United States shall receive compensation for each day they are engaged in carrying out the duties of the panel as well as compensation for their expenses.

**[(e) DISSEMINATION OF EXEMPLARY AND PROMISING PROGRAMS.—**In order to ensure that programs identified as exemplary or promising are available for adoption by the greatest number of teachers,

schools, local and State education agencies, and Bureau-funded schools, the Assistant Secretary shall utilize the capabilities of—

- [(1) the Educational Resources Information Center Clearinghouses;
- [(2) electronic networking;
- [(3) the regional educational laboratories;
- [(4) the National Diffusion Network;
- [(5) entities established under the Goals 2000 Community Partnerships Program;
- [(6) department-supported technical assistance providers;
- [(7) the National Library of Education; and
- [(8) other public and private nonprofit entities, including existing education associations and networks, that have the capability to assist educators in adopting exemplary and promising programs.

[(f) EDUCATIONAL RESOURCES INFORMATION CENTER CLEARINGHOUSES.—

[(1) IN GENERAL.—The Assistant Secretary shall establish a system of 16 clearinghouses having, at a minimum, the functions and scope of work as the clearinghouses had on the day preceding the date of the enactment of this title. The Assistant Secretary shall establish for the clearinghouses a policy for the abstraction from, and inclusion in, the Educational Resources Information Center Clearinghouses system for books, periodicals, reports, and other materials related to education.

[(2) ADDITIONAL FUNCTIONS.—In addition to those functions carried out by the clearinghouses on the day preceding the date of the enactment of this title, such clearinghouses may—

[(A) periodically produce interpretive summaries, digests, and syntheses of the results and findings of education-related research and development; and

[(B) contain and make available to users information concerning those programs designated as exemplary and promising under subsection (d).

[(3) COORDINATION OF ACTIVITIES.—The Assistant Secretary shall assure that the functions and activities of such clearinghouses are coordinated with the activities of the Institutes, the regional educational laboratories, learning grant institutions, other clearinghouses supported by the Department of Education, the National Diffusion Network, and other appropriate entities within the Office and such Department.

[(4) SPECIAL RESPONSIBILITIES OF THE SECRETARY.—To assure that the information provided through such clearinghouses is fully comprehensive, the Secretary shall—

[(A) require that all reports, studies, and other resources produced directly or by grant or contract with the Department of Education are made available to clearinghouses;

[(B) establish cooperative agreements with the Departments of Defense, Health and Human Services, Interior, and other Federal departments and agencies to assure that all education-related reports, studies, and other resources produced directly or by grant from or contract with the Federal Government are made available to such clearinghouses; and

[(C) devise an effective system for maximizing the identification, synthesis, and dissemination of information related to the needs of Indian and Alaska Native children.

[(5) COPYRIGHT PROHIBITED.—

[(A) No clearinghouse or other entity receiving assistance under this subsection may copyright or otherwise charge a royalty or other fee that—

[(i) is for the use or redissemination of any database, index, abstract, report, or other information produced with assistance under this subsection; and

[(ii) exceeds the incremental cost of disseminating such information.

[(B) For purposes of subparagraph (A), the incremental cost of dissemination does not include any portion of the cost of collecting, organizing, or processing the information which is disseminated.

[(g) DISSEMINATION THROUGH NEW TECHNOLOGIES.—

[(1) IN GENERAL.—The Assistant Secretary is authorized to award grants or contracts in accordance with this subsection to support the development of materials, programs, and resources which utilize new technologies and techniques to synthesize and disseminate research and development findings and other information which can be used to support educational improvement.

[(2) ELECTRONIC NETWORKING.—

[(A) ELECTRONIC NETWORK.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall establish and maintain an electronic network which shall, at a minimum, link—

[(i) each office of the Department of Education;

[(ii) the Institutes established by section 931;

[(iii) the National Center for Education Statistics;

[(iv) the National Library of Education; and

[(v) entities engaged in research, development, dissemination, and technical assistance under grant from, or contract, or cooperative agreement with, the Department of Education.

[(B) CERTAIN REQUIREMENTS FOR NETWORK.—The network described in subparagraph (A) shall—

[(i) to the extent feasible, build upon existing national, regional, and State electronic networks and support video, telecomputing, and interactive communications;

[(ii) at a minimum, have the capability to support electronic mail and file transfer services;

[(iii) be linked to and accessible to other users, including State and local education agencies, institutions of higher education, museums, libraries, and others through the Internet and the National Research and Education Network; and

[(iv) be provided at no cost (excluding the costs of necessary hardware) to the contractors and grantees described in clause (v) of subparagraph (A) and to educational institutions accessing such network through

the Internet and the National Research and Education Network.

[(C) the creation of any such additional laboratory region is announced at the time of the announcement of the competition for contracts for all regional educational laboratories;

[(D) the creation of a regional educational laboratory that involves the combination or subdivision of a region or regions in existence on the day preceding the date of enactment of this Act in which States in 1 such region are combined with States in another such region does not result in any region in existence on such date permanently becoming part of a larger region, nor result in any such region permanently subsuming another region, nor creates within the continental United States a region that is smaller than 4 contiguous States, nor partitions a region in existence on the day preceding the date of the enactment of this Act to include less than 4 contiguous States included in the region on the day preceding the date of enactment of this Act;

[(E) the Assistant Secretary has published a notice in the Federal Register inviting the public, for a period of not less than 60 days, to make recommendations with respect to the creation of 1 or 2 additional regional educational laboratories;

[(F) the Assistant Secretary has solicited and received letters of support for the creation of any new region from the Chief State School Officers and State boards of education in each of the contiguous States that would be included in such new region.

[(3) DUTIES.—Each regional educational laboratory receiving assistance under this section shall promote the implementation of broad-based systemic school improvement strategies and shall have as such laboratory's central mission and primary function to—

[(A) develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau, as appropriate, and through such development and dissemination, and provide technical assistance, to help all students meet standards;

[(B) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

[(C) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau, as appropriate, State boards of education, schools, and librarians;

[(D) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

- [(E) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;
- [(F) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;
- [(G) provide training in—
- [(i) the field of education research and related areas;
  - [(ii) the use of new educational methods; and
  - [(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;
- [(H) use applied educational research to assist in solving site-specific problems and to assist in development activities;
- [(I) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;
- [(J) collaborate and coordinate services with other technical assistance providers funded by the Department of Education;
- [(K) provide support and technical assistance in—
- [(i) replicating and adapting exemplary and promising practices;
  - [(ii) the development of high-quality, challenging curriculum frameworks;
  - [(iii) the development of valid, reliable assessments which are linked to State, local, or Bureau-funded content and student performance standards and reflect recent advances in the field of educational assessment;
  - [(iv) the improvement of professional development strategies to assure that all teachers are prepared to teach a challenging curriculum;
  - [(v) expanding and improving the use of technology in education to improve teaching and learning;
  - [(vi) the development of alternatives for restructuring school finance systems to promote greater equity in the distribution of resources; and
  - [(vii) the development of alternative administrative structures which are more conducive to planning, implementing, and sustaining school reform and improved educational outcomes; and
- [(L) bring teams of experts together to develop and implement school improvement plans and strategies.
- [(4) NETWORKING.—In order to improve the efficiency and effectiveness of the regional laboratories, the governing boards of the regional laboratories shall establish and maintain a network to—

- [(A) share information about the activities each laboratory is carrying out;
  - [(B) plan joint activities that would meet the needs of multiple regions;
  - [(C) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and
  - [(D) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.
- [(5) ADDITIONAL DUTIES.—Each regional education laboratory receiving assistance under this subsection shall carry out the following activities:
- [(A) Collaborate with the Institutes established under section 931 in order to—
    - [(i) maximize the use of research conducted through the Institutes in the work of such laboratory;
    - [(ii) keep the Institutes apprised of the work of the regional educational laboratory in the field; and
    - [(iii) inform the Institutes about additional research needs identified in the field.
  - [(B) Consult with the State educational agencies and library agencies in the region in developing the plan for serving the region.
  - [(C) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.
  - [(D) Report and disseminate information on overcoming the obstacles faced by rural educators and rural schools.
  - [(E) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional laboratories so that such programs may be considered for inclusion in the national education dissemination system.
- [(6) CERTAIN REQUIREMENTS.—In carrying out its responsibilities, each regional educational laboratory shall—
- [(A) establish a governing board that—
    - [(i) reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies, and that includes teachers and education researchers;
    - [(ii) is the sole entity that—
      - [(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;
      - [(II) determines the regional agenda of the laboratory;
      - [(III) engages in an ongoing dialogue with the Assistant Secretary concerning the laboratory's goals, activities, and priorities; and

[(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory for the duration of the contract period;

[(iii) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

[(iv) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

[(v) directs the regional educational laboratory to carry out the laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems; and

[(vi) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers.

[(B) Comply with the standards developed by the Assistant Secretary and approved by the Board under section 912.

[(C) Coordinate its activities, collaborate, and regularly exchange information with the Institutes established under section 941, the National Diffusion Network, and its Developer-Demonstrator and State Facilitator projects, learning grant institutions and district education agents assisted under subsection (i), the Educational Resources Information Center Clearinghouses, and other entities engaged in technical assistance and dissemination activities which are supported by other offices of the Department of Education.

[(D) Allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

[(7) EVALUATIONS.—The Assistant Secretary shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in paragraph (1) in the third year that such laboratory receives assistance under this subsection in accordance with the standards developed by the Assistant Secretary and approved by the Board and shall transmit the results of such evaluations to the relevant committees of the Congress, the Board, and the appropriate regional educational laboratory board.

[(8) INVITATION REGARDING COMPETITION FOR AWARDS OF ASSISTANCE.—Prior to awarding a grant or entering into a contract under this section, the Secretary shall invite applicants,

including the regional educational laboratories in existence on the day preceding the date of enactment of this Act, to compete for such award through notice in the Federal Register and in the publication of the Department of Commerce known as the Commerce Business Daily.

[(9) APPLICATION FOR ASSISTANCE.—Each application for assistance under this subsection shall—

[(A) cover not less than a 5-year period;

[(B) describe how the applicant would carry out the activities required by this subsection; and

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

[(10) RULE OF CONSTRUCTION.—No regional educational laboratory receiving assistance under this subsection shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

[(11) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system at the Department of Education.

[(12) ADDITIONAL PROJECTS.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (h), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

[(13) PLAN.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of—

[(A) the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and

[(B) an assessment of how well such laboratory is meeting the needs of the region.

[(14) CONSTRUCTION.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this title.

[(i) GOALS 2000 COMMUNITY PARTNERSHIPS PROGRAM.—

[(1) PURPOSE.—The purpose of the Goals 2000 Community Partnerships program is to improve the quality of learning and teaching in the most impoverished urban and rural communities of the United States by supporting sustained collaborations between universities, schools, businesses, and communities which apply and utilize the results of educational research and development.

[(2) GRANTS FOR GOALS 2000 COMMUNITY PARTNERSHIPS.—The Assistant Secretary is authorized to make grants to eligible entities to support the establishment of Learning Grant Institutions and District Education Agents and the activities authorized under this subsection within eligible communities.

[(3) DEFINITION OF ELIGIBLE ENTITY AND ELIGIBLE COMMUNITY.—For the purposes of this subsection:

[(A) The term “eligible entity” includes any institution of higher education, regional educational laboratory, National Diffusion Network project, national research and development center, public or private nonprofit corporation, or any consortium thereof, that—

[(i) has demonstrated experience, expertise and commitment in serving the educational needs of at-risk students; and

[(ii) is, by virtue of its previous activities, knowledgeable about the unique needs and characteristics of the community to be served.

[(B) The term “eligible community” means a unit of general purpose local government (such as a city, township, or village), a nonmetropolitan county, tribal village, or a geographically distinct area (such as a school district, school attendance area, ward, precinct or neighborhood), or any group of such entities that—

[(i) has a population of not less than 200,000 and not more than 300,000; and

[(ii) in which not less than one-half of the school-age children have family incomes which are below the poverty line, as determined by the 1990 United States Census, participation in the National School Lunch program, or other current, reliable data concerning family income.

[(4) GOALS 2000 COMMUNITY PARTNERSHIPS.—Each learning grant institution receiving assistance under this subsection shall establish a Goals 2000 community partnership to carry out the activities authorized under this subsection. Such partnership—

[(A) shall include the participation of one or more local educational agencies, institutions of higher education, community-based organizations, parents, teachers, and the business community;

[(B) may include the participation of human, social service and health care agencies, Head Start and child care agencies, libraries, museums, employment and training agencies, and the State educational agency or tribal department of education; and

[(C) shall be broadly representative of all segments of the community in which the activities will be carried out.

[(5) COMPREHENSIVE GOALS 2000 PLAN.—Each Goals 2000 Community Partnership shall develop a comprehensive plan for assuring educational success and high achievement for all students in the community. Each such plan shall—

[(A) adopt the National Education Goals;

[(B) identify additional needs and goals for educational improvement within the community;

[(C) focus on helping all students reach challenging content and student performance standards;

[(D) be consistent with the State and local improvement plans for system-wide education improvement developed pursuant to title III;

[(E) establish a comprehensive community-wide plan for achieving such goals; and

[(F) develop a means for measuring the progress of the community in meeting such goals for improvement.

[(6) IMPLEMENTATION OF COMMUNITY-WIDE PLAN.—Each Goals 2000 Community Partnership shall, utilizing the District Education Agent, provide assistance in implementing the community-wide plan for educational improvement by—

[(A) supporting innovation, restructuring, and continuous improvement in educational practice by—

[(i) disseminating information throughout the community about exemplary and promising educational programs, practices, products, and policies;

[(ii) evaluating the effectiveness of federally funded educational programs within the community and identifying changes in such programs which are likely to improve student achievement;

[(iii) identifying, selecting and replicating exemplary and promising educational programs, practices, products, and policies in both in- and out-of-school settings;

[(iv) applying educational research to solve specific problems in the classroom, home and community which impede learning and student achievement; and

[(v) supporting research and development by teachers, school administrators, and other practitioners which promise to improve teaching and learning and the organization of schools;

[(B) improving the capacity of educators, school administrators, child care providers and other practitioners to prepare all students to reach challenging standards and to attain the goals set out in the comprehensive community-wide plan through such means as—

[(i) the training of prospective and novice teachers (including preschool and early childhood educators) in a school setting under the guidance of master teachers and teacher educators;

[(ii) training and other activities to promote the continued learning and professional development of experienced teachers, related services personnel, school administrators to assure that such teachers develop the subject matter and pedagogical expertise needed to prepare all students to reach challenging standards;

[(iii) training and other activities to increase the ability of prospective, novice, and experienced teachers to teach effectively at-risk students, students with disabilities, students with limited-English proficiency, and students from diverse cultural backgrounds; and

[(iv) programs to enhance teaching and classroom management skills, including school-based management skills, of novice, prospective, and experienced teachers;

[(C) promoting the development of an integrated system of service delivery to children from birth through age 18 and their families by facilitating linkages and cooperation among—

- [(i) local educational agencies;
- [(ii) health and social services agencies and providers;
- [(iii) juvenile justice and criminal justice agencies;
- [(iv) providers of employment training; and
- [(v) child care, Head Start, and other early childhood agencies; and

[(D) mobilizing the resources of the community in support of student learning and high achievement by facilitating effective partnerships and collaboration among—

- [(i) local educational agencies;
- [(ii) postsecondary educational institutions;
- [(iii) public libraries;
- [(iv) parents;
- [(v) community-based organizations, neighborhood associations, and other civic and community organizations;
- [(vi) child care, Head Start, and other early childhood agencies;
- [(vii) churches, synagogues and other religious institutions;
- [(viii) labor organizations; and
- [(ix) business and industry.

[(7) ADDITIONAL REQUIREMENTS.—In carrying out its responsibilities under this subsection, each partnership receiving assistance under this subsection shall—

[(A) appoint a District Education Agent who shall be responsible, on a full-time basis, for directing the implementation of the community-wide plan, who shall have significant experience and expertise in the field of education in—

- [(i) addressing the needs of at-risk students; and
- [(ii) conducting educational research and promoting the application of the results of such research to educational practice;

[(B) provide for such other professional and support personnel as may be necessary to implement the community-wide plan under the direction of the District Education Agent; and

[(C) coordinate the partnership's activities and work cooperatively with the National Diffusion Network State facilitators, regional educational laboratories, and other components of the Office to utilize most effectively Federal research, development, and dissemination resources in implementing the community-wide plan.

[(8) APPLICATION FOR GRANTS.—Any eligible entity desiring a grant under this subsection shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require. Each such application shall—

[(A) include a comprehensive plan for meeting the objectives and requirements of this subsection; and

[(B) provide evidence of support for the application from local elected officials, the State educational agency, the local educational agency, parents, local community leaders, businesses, and other appropriate organizations.

[(9) PRIORITY IN MAKING GRANTS; DURATION AND AMOUNT OF GRANT.—Each grant made under this subsection shall be—

[(A) awarded on a competitive basis, with first priority given to those applications from communities with the greatest percentage of school-age children in families with poverty-level incomes;

[(B) made for a 5-year period, with funding for the second and each succeeding year in such period conditioned upon a determination by the Assistant Secretary that the grant recipient has complied with the conditions of the grants during the previous year; and

[(C) an amount equal to not less than \$1,000,000 per year.

[(10) LIMITATION OF ONE GRANT PER CONGRESSIONAL DISTRICT.—Not more than one grant under this subsection shall be awarded within a single congressional district.

[(11) TECHNICAL ASSISTANCE; EVALUATIONS.—In administering the program authorized under this subsection, the Assistant Secretary shall, either directly or through grant or contract with an eligible nonprofit agency—

[(A) upon request, provide technical assistance to eligible entities to assist in the development of a comprehensive community-wide plan to meet the requirements of this subsection and in the preparation of applications for assistance;

[(B) regularly provide technical assistance to learning grant institutions receiving assistance under this subsection to assist with the development and implementation of the comprehensive community-wide plan for educational improvement;

[(C) provide for an independent evaluation of the activities assisted under this subsection, including—

[(i) the impact of the Goals 2000 Community Partnerships program on children and families within each community, including effects on the extent of educational achievement, rates of school retention and completion, and enrollment in postsecondary educational programs; and

[(ii) whether an intensified effort to apply and utilize educational research within a limited geographic area significantly improves student learning and achievement; and

[(D) plan for the expansion of the Goals 2000 Community Partnerships program throughout the remainder of the United States beginning in fiscal year 1999.

## **[PART E—NATIONAL LIBRARY OF EDUCATION**

### **[SEC. 951. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.**

[(a) IN GENERAL.—There is established within the Department of Education a National Library of Education (hereafter in this section referred to as the “Library”), which shall be maintained by the Department of Education as a governmental activity.

[(b) FUNCTIONS OF LIBRARY.—The functions of the Library are—

【(1) to provide a central location within the Federal Government for information about education;

【(2) to provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

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

【(c) MISSION.—The mission of the Library shall be to—

【(1) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

【(2) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control;

【(3) have an expert library staff; and

【(4) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

【(d) ONE-STOP INFORMATION AND REFERRAL SERVICE.—The Library shall establish and maintain a central information and referral service to respond to telephonic, mail and electronic and other inquiries from the public concerning—

【(1) programs and activities of the Department of Education;

【(2) publications produced by the Department of Education and, to the extent feasible, education related publications produced by the Departments of Labor, Health and Human Services, and other Federal departments and agencies;

【(3) services and resources available to the public through the Office, including the Educational Resources Information Center Clearinghouses, the research institutes, and the national education dissemination system;

【(4) statistics and other information produced by the National Center for Education Statistics; and

【(5) referrals to additional sources of information and expertise about educational issues which may be available through educational associations and foundations, the private sector, colleges and universities, libraries and bibliographic databases.

The Library shall maintain and actively publicize a toll-free telephone number through which public inquiries to the Library may be made.

【(e) COMPREHENSIVE REFERENCE SERVICES.—

【(1) IN GENERAL.—The Library shall, to the extent feasible, provide for the delivery of a full range of reference services on subjects related to education to employees of the Department of Education and such Department's contractors and grantees, other Federal employees, and members of the general public. Such services may include—

【(A) specialized subject searches;

【(B) search and retrieval of electronic databases;

【(C) document delivery by mail and facsimile transmission;

- [(D) research counseling, bibliographic instruction, and other training services;
- [(E) interlibrary loan services; and
- [(F) selective dissemination of information services.]

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**[PART K—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS**

**[SEC. 1002. REQUIREMENTS OF COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.**

[(a) IN GENERAL.—Each comprehensive regional assistance center established under section 1001(a) shall—

[(1) maintain appropriate staff expertise and provide support, training, and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools, and other grant recipients under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001), in—

[(A) improving the quality of instruction, curricula, assessments, and other aspects of school reform, supported with funds under title I of such Act;

[(B) implementing effective schoolwide programs under section 1114 of such Act;

[(C) meeting the needs of children served under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001), including children in high-poverty areas, migratory children, immigrant children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, children with disabilities, and, where applicable, Alaska Native children and Native Hawaiian children;

[(D) implementing high-quality professional development activities for teachers, and where appropriate, administrators, pupil services personnel and other staff;

[(E) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

[(F) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and school;

[(G) implementing educational applications of technology;

[(H) coordinating services and programs to meet the needs of students so that students can fully participate in the educational program of the school;

[(I) expanding the involvement and participation of parents in the education of their children;

[(J) reforming schools, school systems, and the governance and management of schools;

[(K) evaluating programs; and

- [(L) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas;
- [(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001) with each other, as well as with other Federal, State, and local programs and reforms;
- [(3) provide technical assistance using the highest quality and most cost-effective strategies possible;
- [(4) coordinate services, work cooperatively, and regularly share information with, the regional educational laboratories, the Eisenhower regional consortia under part M, research and development centers, State literacy centers authorized under the National Literacy Act of 1991, and other entities engaged in research, development, dissemination, and technical assistance activities which are supported by the Department as part of a Federal technical assistance system, to provide a broad range of support services to schools in the region while minimizing the duplication of such services;
- [(5) work collaboratively with the Department's regional offices;
- [(6) consult with representatives of State educational agencies, local educational agencies, and populations served under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001);
- [(7) provide services to States, local educational agencies, tribes, and schools, in coordination with the National Diffusion Network State Facilitators activities under section 1011, in order to better implement the purposes of this part and provide the support and assistance diffusion agents need to carry out such agents' mission effectively; and
- [(8) provide professional development services to State educational agencies, local educational agencies, and the National Diffusion Network State Facilitators to increase the capacity of such entities to provide high-quality technical assistance in support of programs under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001).
- [(b) PRIORITY.—Each comprehensive regional assistance center assisted under this part shall give priority to servicing—
- [(1) schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and
- [(2) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

**[SEC. 1003. MAINTENANCE OF SERVICE AND APPLICATION REQUIREMENTS.**

**[(a) MAINTENANCE OF SERVICE.—**The Secretary shall ensure that the comprehensive regional assistance centers funded under this part provide technical assistance services that address the needs of educationally disadvantaged students, including students in urban and rural areas, and bilingual, migrant, immigrant, and Indian students, that are at least comparable to the level of such technical assistance services provided under programs administered by the Secretary on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

**[(b) APPLICATION REQUIREMENTS.—**Each entity or consortium desiring assistance under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall—

**[(1)** demonstrate how the comprehensive regional assistance center will provide expertise and services in the areas described in section 1002;

**[(2)** demonstrate how such centers will work with the National Diffusion Network under section 1011 to conduct outreach to local educational agencies receiving priority under section 1031;

**[(3)** demonstrate support from States, local educational agencies and tribes in the area to be served;

**[(4)** demonstrate how such centers will ensure a fair distribution of services to urban and rural areas; and

**[(5)** provide such other information as the Secretary may require.

**[SEC. 1004. TRANSITION.**

**[(a) IN GENERAL.—**The Secretary shall use funds appropriated to carry out this part for fiscal years 1995 and 1996 in order to ensure an orderly transition and phase in of the comprehensive regional assistance centers assisted under this part.

**[(b) EXTENSION OF PREVIOUS CENTERS.—**

**[(1) IN GENERAL.—**The Secretary shall, notwithstanding any other provision of law, use funds appropriated under section 1005 to extend or continue contracts and grants for existing categorical technical assistance centers assisted under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) through fiscal year 1996, and take other necessary steps to ensure a smooth transition of services provided under this part and that such services will not be interrupted, curtailed, or substantially diminished.

**[(2) STAFF EXPERTISE.—**In planning for the competition for the new comprehensive regional assistance centers under this part, the Secretary may draw on the expertise of staff from existing categorical assistance centers assisted under the Elementary and Secondary Education Act of 1965 prior to the date of enactment of the Improving America's Schools Act of 1994.

**[SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.**

【For the purpose of carrying out this part, there are authorized to be appropriated \$70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

**[SEC. 1006. DEFINED TERMS.**

【In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

**[PART L—NATIONAL DIFFUSION NETWORK****[SEC. 1011. PROGRAM AUTHORIZED.****【(a) AUTHORITY.—**

【(1) IN GENERAL.—The Secretary is authorized to establish the National Diffusion Network to carry out a State-based outreach, consultation, training, and dissemination program.

【(2) PROGRAM REQUIREMENTS.—In carrying out the program under this part, the Secretary shall award grants and contracts to National Diffusion Network State Facilitators in each State and outlying area, and to the Bureau of Indian Affairs, in order to assist State and local educational agencies, schools, and other appropriate educational entities—

【(A) to identify and secure appropriate, high-quality technical assistance from the comprehensive regional assistance centers under part K and other sources; and

【(B) to identify and implement exemplary or promising educational programs and practices.

【(b) ELIGIBLE ENTITIES.—The Secretary shall award grants and contracts under this section to public or private nonprofit organizations or institutions with demonstrated expertise in the areas of applied education research and program dissemination.

【(c) ADMINISTRATION.—The program under this part shall be administered through the Office of Reform Assistance and Dissemination established under section 941(b).

【(d) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional assistance centers established under part K.

【(e) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators shall provide professional development and technical assistance services to assist State educational agencies, local educational agencies, tribal divisions of education, schools, family and adult literacy programs, and other entities assisted under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001), in—

【(1) defining such entities' technical assistance needs and aligning such needs with school reform under title I of the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001), professional development, and technology plans;

【(2) securing the technical assistance and professional development services that can best fulfill such needs by utilizing the services of the comprehensive regional assistance centers, the

regional education laboratories, the Eisenhower regional consortia, State Literacy Resource Centers authorized under the National Literacy Act of 1991 and other technical assistance providers, including local providers of professional development services;

[(3) identifying educational technology needs and securing the necessary technical assistance to address such needs in coordination with the Eisenhower regional consortia under part M and the regional technical assistance and professional development consortia under subpart 3 of title III of the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(4) utilizing technology, including regional and national electronic networks, to increase such entities' access to technical assistance, professional development services, and dissemination of effective programs and promising practices.

[(f) ADDITIONAL DUTIES.—In addition, National Diffusion Network State Facilitators shall—

[(1) disseminate information about school reform and effective and promising practices, and help local educational agencies and schools adapt such reform and practices to such agencies' needs;

[(2) identify educational programs and practices for possible dissemination throughout the State and Nation;

[(3) promote and facilitate teacher networks throughout the State;

[(4) develop and implement an aggressive outreach plan for reaching the local educational agencies and schools receiving priority under section 1031; and

[(5) provide such other outreach, coordination, and dissemination services as may be necessary.

[(g) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—

[(1) IN GENERAL.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the Department, the National Science Foundation, or other Federal agencies and shall be coordinated, aligned with, and administered by, the Office of Reform Assistance and Dissemination established under section 941(b).

[(2) PRIORITY.—The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

[(3) PRIORITY OF SERVICES.—The National Diffusion Network State Facilitators shall give priority in providing the services described in this section to—

[(A) schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(B) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

**[SEC. 1012. AUTHORIZATION OF APPROPRIATIONS.**

[For the purpose of carrying out this part, there are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

**[SEC. 1013. DEFINED TERMS.**

[In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

**[PART M—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA**

**[SEC. 1021. PROGRAM ESTABLISHED.**

**[(a) IN GENERAL.—**

[(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants or contracts to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

[(A) disseminating exemplary mathematics and science education instructional materials; and

[(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

[(2) NUMBER.—The Secretary, in accordance with the provisions of this section, shall award at least one grant or contract to an eligible entity in each region.

[(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 1028 is less than \$4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope, and quality to carry out this section.

[(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an “Eisenhower regional consortium”.

[(b) GRANT TERM AND REVIEW.—Grants or contracts under this part shall be awarded for a period of not more than five years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this part shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out this part.

[(c) AMOUNT.—In awarding grants or contracts under this part, the Secretary shall ensure that there is a relatively equal distribution of the funds made available among the regions, except that the Secretary may award additional funds to a regional consortium on

the basis of population and geographical conditions of the region being served.

**【SEC. 1022. USE OF FUNDS.**

【Funds provided under this part may be used by a regional consortium, under the direction of a regional board established under section 1024, to—

【(1) work cooperatively with the other regional consortia and federally funded technical assistance providers to more effectively accomplish the activities described in this section;

【(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in section 1021(a)(1);

【(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in section 1021(a)(1) in the classroom;

【(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

【(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

【(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

【(7) develop and disseminate early childhood education mathematics and science instructional materials;

【(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

【(9) collect data on activities assisted under this part in order to evaluate the effectiveness of the activities of the regional consortia;

【(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

【(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

【(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

【(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted under section 1023 may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government, or State or local government.

**[SEC. 1026. EVALUATION.**

[(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 9601, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

[(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

[(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

**[SEC. 1027. DEFINITIONS.**

[For purposes of this part:

[(1) The term “eligible entity” means—

[(A) a private nonprofit organization of demonstrated effectiveness;

[(B) an institution of higher education;

[(C) an elementary or secondary school;

[(D) a State or local educational agency;

[(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i); or

[(F) any combination of the entities described in subparagraphs (A) through (E),

with demonstrated expertise in mathematics and science education.

[(2) The terms “mathematics” and “science” include the technology education associated with mathematics and science, respectively.

[(3) The term “region” means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act).

[(4) The term “regional consortium” means each regional mathematics and science education consortium established pursuant to section 1021.

[(5) The term “State agency for higher education” means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of carrying out this part by the Governor or by State law.

**[SEC. 1028. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated \$23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

**[SEC. 1029. DEFINED TERMS.**

[In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

**[PART N—TECHNOLOGY-BASED TECHNICAL ASSISTANCE**

**[SEC. 1031. TECHNOLOGY-BASED TECHNICAL ASSISTANCE.**

**[The Secretary is authorized to provide a technology-based technical assistance service that will—**

**[(1) support the administration and implementation of programs under this Act by providing information, including legal and regulatory information, and technical guidance and information, about best practices; and**

**[(2) be accessible to all States, local educational agencies, schools, community-based organizations and others who are recipients of funds under the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001).**

**[SEC. 1032. DEFINED TERMS.**

**[In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.]**

\* \* \* \* \*

**TITLE 5, UNITED STATES CODE**

\* \* \* \* \*

**PART III—EMPLOYEES**

\* \* \* \* \*

**Subpart D—Pay and Allowances**

\* \* \* \* \*

**CHAPTER 53—PAY RATES AND SYSTEMS**

\* \* \* \* \*

**SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES**

\* \* \* \* \*

**§ 5314. Positions at level III**

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

\* \* \* \* \*

Under Secretary of Education.

\* \* \* \* \*

**§ 5315. Positions at level IV**

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

\* \* \* \* \*  
**【Commissioner, National Center for Education Statistics.】**  
\* \* \* \* \*

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**SECTION 447 OF THE GENERAL EDUCATION PROVISIONS ACT**

**SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TESTING.**

(a) \* \* \*

(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of **【section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))】** *section 153(a)(5) of the Education Sciences Reform Act of 2002* and administered to only a representative sample of pupils in the United States and in foreign nations.

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**ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965**

\* \* \* \* \*

**TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED**

\* \* \* \* \*

**PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES**

**Subpart 1—Basic Program Requirements**

**SEC. 1111. STATE PLANS.**

(a) \* \* \*

\* \* \* \* \*

(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

(1) \* \* \*

(2) the State will, beginning in school year 2002–2003, participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under **【section 411(b)(2) of the National Education Statistics Act of 1994】** *sec-*

*tion 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;*

\* \* \* \* \*

**SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

(a) \* \* \*

(b) PLAN PROVISIONS.—

(1) IN GENERAL.—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—

(A) \* \* \*

\* \* \* \* \*

(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under [section 411(b)(2) of the National Education Statistics Act of 1994] *section 303(b)(2) of the National Assessment of Educational Progress Authorization Act*;

\* \* \* \* \*

**SEC. 1117. SCHOOL SUPPORT AND RECOGNITION.**

(a) SYSTEM FOR SUPPORT.—

(1) \* \* \*

\* \* \* \* \*

(3) REGIONAL CENTERS.—Such a statewide system shall, to the extent practicable, work with and receive support and assistance from the comprehensive regional technical assistance centers and the regional educational laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (*as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002*), or other providers of technical assistance.

\* \* \* \* \*

**PART E—NATIONAL ASSESSMENT OF TITLE I**

**SEC. 1501. EVALUATIONS.**

(a) NATIONAL ASSESSMENT OF TITLE I.—

(1) \* \* \*

\* \* \* \* \*

(3) SOURCES OF INFORMATION.—In conducting the assessment under this subsection, the Secretary shall use information from a variety of sources, including the National Assessment of Educational Progress (carried out under [section 411 of the National Education Statistics Act of 1994] *section 303 of the National Assessment of Educational Progress Authorization Act*), State evaluations, and other research studies.

\* \* \* \* \*

**TITLE III—LANGUAGE INSTRUCTION  
FOR LIMITED ENGLISH PROFICIENT  
AND IMMIGRANT STUDENTS**

\* \* \* \* \*

**PART B—IMPROVING LANGUAGE  
INSTRUCTION EDUCATIONAL PROGRAMS**

\* \* \* \* \*

**Subpart 2—Research, Evaluation, and  
Dissemination**

\* \* \* \* \*

**SEC. 3222. RESEARCH.**

(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the [Office of Educational Research and Improvement] *Academy of Education Sciences* in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

\* \* \* \* \*

**PART C—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 3303. NATIONAL CLEARINGHOUSE.**

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for limited English proficient children, and related programs. The National Clearinghouse shall—

- (1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the [Office of Educational Research and Improvement] *Academy of Education Sciences*;

\* \* \* \* \*

**TITLE V—PROMOTING INFORMED PA-  
RENTAL CHOICE AND INNOVATIVE  
PROGRAMS**

\* \* \* \* \*

**PART D—FUND FOR THE IMPROVEMENT OF EDUCATION**

\* \* \* \* \*

**Subpart 6—Gifted and Talented Students**

\* \* \* \* \*

**SEC. 5464. AUTHORIZED PROGRAMS.**

(a) \* \* \*

\* \* \* \* \*

(e) COORDINATION.—Scientifically based research activities supported under this subpart—

(1) shall be carried out in consultation with the [Office of Educational Research and Improvement] *Academy of Education Sciences* to ensure that such activities are coordinated with and enhance the research and development activities supported by such [Office] *Academy*; and

(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such [Office] *Academy*.

\* \* \* \* \*

**Subpart 21—Women’s Educational Equity Act**

\* \* \* \* \*

**SEC. 5613. PROGRAMS AUTHORIZED.**

(a) IN GENERAL.—The Secretary is authorized—

(1) \* \* \*

\* \* \* \* \*

(5) to assist the [Assistant Secretary of the Office of Educational Research and Improvement] *Director of the Academy of Education Sciences* in identifying research priorities related to education equity for women and girls; and

\* \* \* \* \*

(b) GRANTS AUTHORIZED.—

(1) \* \* \*

(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this subpart, the Secretary is authorized to provide support and technical assistance—

(A) \* \* \*

(B) for research and development, which shall be coordinated with each of the [research institutes of the Office of Educational Research and Improvement] *National Education Centers of the Academy of Education Sciences* to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

(i) \* \* \*

\* \* \* \* \*

**SEC. 5615. CRITERIA AND PRIORITIES.**

(a) \* \* \*

\* \* \* \* \*

(d) COORDINATION.—Research activities supported under this subpart—

(1) shall be carried out in consultation with the [Office of Educational Research and Improvement] *Academy of Education Sciences* to ensure that such activities are coordinated with and enhance the research and development activities supported by the [Office] *Academy*; and

(2) may include collaborative research activities which are jointly funded and carried out with the [Office of Educational Research and Improvement] *Academy of Education Sciences*.

\* \* \* \* \*

**TITLE VII—INDIAN, NATIVE HAWAIIAN,  
AND ALASKA NATIVE EDUCATION**

**PART A—INDIAN EDUCATION**

\* \* \* \* \*

**Subpart 3—National Activities**

**SEC. 7131. NATIONAL RESEARCH ACTIVITIES.**

(a) \* \* \*

\* \* \* \* \*

(c) COORDINATION.—Research activities supported under this section—

(1) shall be carried out in consultation with the [Office of Educational Research and Improvement] *Academy of Education Sciences* to ensure that such activities are coordinated with and enhance the research and development activities supported by the [Office] *Academy*; and

(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs and the [Office of Educational Research and Improvement] *Academy of Education Sciences*.

\* \* \* \* \*

**TITLE IX—GENERAL PROVISIONS**

\* \* \* \* \*

**PART E—UNIFORM PROVISIONS**

\* \* \* \* \*

**Subpart 2—Other Provisions**

\* \* \* \* \*

**SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.**

(a) \* \* \*

(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of [section 404(a)(6) of the National Education Statistics Act of 1994] *section 153(a)(5) of the Education Sciences Reform Act of 2002* and administered to only a representative sample of pupils in the United States and in foreign nations.

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**SECTION 404 OF THE SCHOOL-TO-WORK  
OPPORTUNITIES ACT OF 1994**

**SEC. 404. CAPACITY BUILDING AND INFORMATION AND DISSEMINATION NETWORK.**

The Secretaries, acting through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)), the Educational Resources Information Center Clearinghouses referred to in the Educational Research, Development, Dissemination, and Improvement Act of 1994 (*as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002*), and the National Network for Curriculum Coordination in Vocational and Technical Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(c)), shall—

(1) \* \* \*

\* \* \* \* \*

## ADDITIONAL VIEWS

The Committee passage of H.R. 3801, the Education Sciences Reform Act marks a significant step forward in our effort to improve the research, evaluation and technical assistance focus of the Department of Education. As compared to the introduced version of this measure, the Committee passed bill addressed many of our most serious concerns related to long-term and center based research, ensuring the existence of technical assistance and development entities, and providing increased funding. Due to these changes, H.R. 3801 gained our support on Committee passage.

### BACKGROUND

The reauthorization of the Department of Education's main research, statistics, and evaluation efforts is a critically important aspect of our Committee's work this Congress. The reauthorization of ESEA completed earlier this session and impending work the Individuals with Disabilities Education Act, the Higher Education Act, vocational education and adult education, make the need for high quality research, statistics, development and technical assistance even more important to our educational system.

H.R. 3801 reauthorizes and amends the current statute governing the Office of Educational Research and Improvement (OERI).<sup>1</sup> Last reauthorized in 1994, OERI houses the main research, statistics and development focuses of the Department of Education. The major provision of H.R. 3801 include:

*The Academy.*—The bill restructures OERI by creating the Academy of Education Sciences (the Academy). The Academy is headed by a Director and contains 3 National Education Centers (Research, Statistics, and Evaluation) and the Office of Educational Resources and Dissemination. Also established within the Academy is the National Board for Education Sciences (the Board), which approves the priorities governing the work of the Academy and advises the Director on operation of the Academy.

*Regional Development and Technical Assistance.*—In addition to the creation of the Academy, the bill creates a Regional Development and Technical Assistance program. Under this program, the Secretary provides funds to at least 2 entities per region. One entity provides applied research and development, while the other entity will provide technical assistance. These are the main duties of the existing Regional Education Laboratories and the Comprehensive Centers. Current contracts with the Regional Education Laboratories, and Eisenhower Math and Science Consortia will be continued. Existing Comprehensive Centers are presently funded under a one-year extension.

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<sup>1</sup>The existing statutory authority for OERI is Title IX of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

*NAEP/NAGB.*—The bill reauthorizes the National Assessment of Education Progress (NAEP) and the National Assessment Governing Board (NAGB), makes technical changes to these statutes and clarifies the existing governance relationships of these statutes. Significant changes to NAEP and NAGB were made previously as a part of H.R. 1, the No Child Left Behind Act of 2001.

#### ADDRESSING DEMOCRATIC PRIORITIES

The Committee reported bill contained numerous provisions sought by Democratic Members that were not included in H.R. 3801 upon introduction. Included among these provisions are:

*Increases Resources.*—The bill authorizes a total of \$700 million of the Department's research, statistics, evaluation and technical assistance activities. This almost doubles existing funding and ensures that nearly 1 percent, or \$400 million, of the Department of Education's budget is reserved for research activities. This level of funding is vital if the Academy is to become a top-flight education research organization that is capable of producing high quality research. For too many years, OERI has had insufficient resources to operate effectively.

*Ensures Outreach and Involvement of Historically Black Colleges and Universities and Hispanic Servicing Institutions.*—The bill includes provisions sought by Representative Owens to increase outreach to and involvement of Historically Black Colleges and Universities (HBCUs) and Hispanic Serving Institutions (HSIs) to build research knowledge and experience in these institutions.

*Fellowships to Build the Culture of Science.*—The bill includes language establishing fellowships in the areas of research, statistics and evaluation particularly for women and minorities at HBCUs and other Minority Serving Institutions.

*Maintains Long-term and University Center-based Research.*—The bill requires that research be conducted through University-based national research and development centers and that 50% of research funding is reserved for long term research. This emphasis on long-term research is critical if we are to build upon the current knowledge base and expand research-based programs for schools to implement and utilize. This long-term focus was a major priority for Representative Scott.

*Maintains Regional Development and Technical Assistance (Labs and Centers).*—The bill ensures a strong regional development and technical assistance system that allows the continuation of existing high quality Regional Laboratories and Comprehensive Centers, as described above. The maintenance of this system was a critical priority for many Democratic Members.

*NAEP/NAGB.*—The bill includes language which seeks to maintain the current governance relationship between NAGB and the Department's administration of NAEP. While we believe this language largely addresses any confusion the bill may create over this governance relationship, we will continue to evaluate its effects as this process moves forward.

#### AMENDMENTS

Several Amendments were offered by Democratic Members during Full Committee consideration of this legislation. Representative

Holt offered an amendment to restore the authorization for the Eisenhower National Clearinghouse and the Eisenhower Mathematics and Science Consortia. Representative Wu offered an amendment to restore the authorization for the Regional Education Technology Consortia. Representative Andrews offered two amendments which expanded data collection duties of the National Center for Education Statistics to include data on the impact of education spending on achievement and the impact of student health on achievement. We will work to continue to attempt to address these important issues as this process moves forward.

#### CONCLUSION

The existence of a strong research, statistics, evaluation, development and technical assistance focus at the Department is vital to future increases in student achievement and the management and operation of our nation's school system. The changes made by this legislation and the additional resources, which it calls for, are key elements in making this strong focus a reality.

GEORGE MILLER.  
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RON KIND.  
RUBÉN HINOJOSA.  
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LYNN WOOLSEY.  
MAJOR R. OWENS.  
BOBBY SCOTT.  
CAROLYN MCCARTHY.  
LORETA SANCHEZ.  
JOHN F. TIERNEY.  
PATSY T. MINK.  
DAVID WU.  
DONALD PAYNE.

