

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3801

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2002

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

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## A BILL

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

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

3 **TITLE I—EDUCATION SCIENCES**

4 **REFORM**

5 **SEC. 101. SHORT TITLE.**

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

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

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

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

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- Sec. 117. National Board for Education Sciences.
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1           (1) The Office of the Director (as set out in  
2 section 115).

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

5           (3) The Knowledge Utilization Office (as set  
6 out in section 119).

7           (4) The National Education Centers, which  
8 include—

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

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

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

15 **SEC. 113. FUNCTIONS.**

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

18           (1) conduct and support scientifically valid re-  
19 search activities, including basic and applied re-  
20 search, statistics activities, scientifically valid edu-  
21 cation evaluation, development, and dissemination;

22           (2) disseminate the findings and results of sci-  
23 entifically valid education research;

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

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

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

6 **SEC. 114. DELEGATION.**

7           (a) DELEGATION OF AUTHORITY.—Notwithstanding  
8           section 412 of the Department of Education Organization  
9           Act (20 U.S.C. 3472), the Secretary shall delegate to the  
10          Director all functions for carrying out this title.

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

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

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

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

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

22          (b) TERM.—

23                 (1) IN GENERAL.—The Director shall serve for  
24                 a term of 6 years, beginning on the date of con-

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

3           (2) FIRST DIRECTOR.—The Assistant Secretary  
4       for the Office of Educational Research and Improve-  
5       ment (as such office existed on the day before the  
6       date of the enactment of this Act) shall be the Di-  
7       rector of the Academy and shall serve a term that  
8       ends on July 1, 2007. The President shall appoint  
9       a Director under subsection (b) in the case of a va-  
10      cancy prior to the expiration of the first Director’s  
11      term.

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

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

20      (e) DUTIES.—The duties of the Director shall be the  
21      following:

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

1           (2) To oversee and coordinate the activities car-  
2           ried out under the Academy, including the activities  
3           of the National Education Centers.

4           (3) To coordinate and approve budgets and op-  
5           erating plans submitted by the Commissioners of  
6           each of the National Education Centers.

7           (4) To ensure the methodology applied in con-  
8           ducting research, evaluation, and statistical analysis  
9           is consistent with the standards for such activities  
10          under this title.

11          (5) To coordinate education research and re-  
12          lated activities carried out by the Academy with such  
13          research and activities carried out by other agencies  
14          within the Department and the Federal Government.

15          (6) To advise the Secretary on research, evalua-  
16          tion, and statistics activities relevant to the activities  
17          of the Department.

18          (7) To establish necessary procedures for tech-  
19          nical and scientific peer review of the activities of  
20          the Academy.

21          (8) To ensure that all participants in research  
22          conducted or supported by the Academy are afforded  
23          their privacy rights and other relevant protections as  
24          research subjects, in accordance with sections 159  
25          and 184 and other applicable Federal privacy laws.

1           (9) To carry out and support other activities  
2           consistent with the priorities and mission of the  
3           Academy.

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

15       **SEC. 116. PRIORITIES.**

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

23          (b) APPROVAL.—The Board (established under sec-  
24          tion 117) shall approve or disapprove the priorities for the

1 Academy proposed by the Director, including any nec-  
2 essary revision of those priorities.

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

6 (d) PUBLIC AVAILABILITY.—The Director shall make  
7 available to the public (including by means of the Internet)  
8 the priorities approved under this section, along with the  
9 Academy’s plan for addressing those priorities.

10 (e) PUBLIC COMMENT.—Before approving new prior-  
11 ities, or revisions to or updates of existing priorities, the  
12 Board shall seek public comment.

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

14 (a) ESTABLISHMENT.—The Academy shall have a  
15 board of directors, which shall be known as the National  
16 Board for Education Sciences (referred to in this title as  
17 the “Board”).

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

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

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

1           (3) To review and approve peer review proce-  
2           dures used by the Academy.

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

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

9                   (A) the strengthening of education re-  
10                  search; and

11                   (B) the funding of the Academy.

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

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

21           (8) To ensure that activities conducted or sup-  
22           ported by the Academy are objective, secular, neu-  
23           tral, and nonideological and are free of partisan and  
24           political influence and racial, cultural, gender, or re-  
25           gional bias.

1           (9) To submit to the Director, the Secretary,  
2           and the appropriate congressional committees, not  
3           later than July 1 of each year, a report that—

4                   (A) assesses the effectiveness of the Acad-  
5                   emy in carrying out its priorities and mission,  
6                   especially as they relate to carrying out scientif-  
7                   ically valid research, conducting unbiased eval-  
8                   uations, and collecting and reporting accurate  
9                   education statistics; and

10                   (B) includes any recommendations regard-  
11                   ing any actions that could be taken to enhance  
12                   the ability of the Academy to carry out its pri-  
13                   orities and mission.

14           (10) To carry out other duties and responsibil-  
15           ities consistent with the priorities and mission of the  
16           Academy.

17           (c) COMPOSITION.—The Board shall be composed as  
18 follows:

19                   (1) VOTING MEMBERS.—Fifteen voting mem-  
20                   bers appointed by the President, with the advice and  
21                   consent of the Senate.

22                   (2) NONVOTING EX OFFICIO MEMBERS.—The  
23                   following nonvoting ex officio members:

24                           (A) The Director of the National Institute  
25                           of Child Health and Human Development.

1 (B) The Director of the Census.

2 (C) The Commissioner of Labor Statistics.

3 (D) The President of the National Acad-  
4 emy of Sciences.

5 (3) APPOINTED MEMBERSHIP.—

6 (A) QUALIFICATIONS.—Members ap-  
7 pointed under paragraph (1) shall include indi-  
8 viduals from each of the following groups:

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

12 (ii) Parents.

13 (iii) Business leaders.

14 (iv) Highly qualified experts in cog-  
15 nitive psychology, statistics, evaluation, re-  
16 search, and psychometrics.

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

20 (i) the initial terms of the members  
21 appointed under such subparagraphs shall  
22 (as designated by a random selection proc-  
23 ess at the time of appointment) be for  
24 staggered terms of—

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

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

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

7 (ii) no such member shall serve for  
8 more than the lesser of—

9 (I) 8 consecutive years; or

10 (II) 2 consecutive terms.

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

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

19 (6) TRAVEL EXPENSES.—The members of the  
20 Board shall receive travel expenses, including per  
21 diem in lieu of subsistence, in accordance with sub-  
22 chapter I of chapter 57 of title 5, United States  
23 Code.

1           (7) EXECUTIVE DIRECTOR.—The Board shall  
2           have an Executive Director who shall be appointed  
3           by the Board.

4           (8) MEETINGS.—The Board shall meet not less  
5           than four times each year. The Board shall hold ad-  
6           ditional meetings at the call of the chairperson or  
7           upon the written request of at least six members of  
8           the Board.

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

11         (d) STANDING COMMITTEES.—

12           (1) ESTABLISHMENT.—The Board may estab-  
13           lish standing committees to advise, assist, consult  
14           with, and make recommendations to the Director  
15           and the Commissioners of the National Education  
16           Centers. Each standing committee shall serve one of  
17           the National Education Centers.

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

23                   (A) shall include highly qualified experts in  
24                   cognitive psychology, statistics, evaluation, re-  
25                   search, and psychometrics;

1           (B) may include ex officio members of the  
2 Board as well as experts who are not members  
3 of the Board; and

4           (C) may include policymakers and expert  
5 practitioners with knowledge of, and experience  
6 using, the results of research, evaluation, and  
7 statistics.

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

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

14           (B) prepare for the Board an annual eval-  
15 uation of the operations of the applicable Na-  
16 tional Education Center;

17           (C) review and comment on the relevant  
18 Commissioner’s plan for activities to be under-  
19 taken by the applicable National Education  
20 Center for each fiscal year; and

21           (D) periodically report to the Board re-  
22 garding the activities of the committee.

1 **SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION**  
2 **CENTERS.**

3 (a) APPOINTMENT.—The National Education Cen-  
4 ters shall each be headed by a Commissioner appointed  
5 by the Director. In appointing Commissioners, the Direc-  
6 tor shall seek to promote continuity in leadership of the  
7 National Education Centers and shall consider individuals  
8 recommended by the Board, acting in consultation with  
9 the Director.

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

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

15 (d) SERVICE AND REMOVAL.—Each Commissioner  
16 shall report to the Director and may be removed by the  
17 Director.

18 **SEC. 119. KNOWLEDGE UTILIZATION OFFICE.**

19 (a) ESTABLISHMENT.—There is established within  
20 the Academy a Knowledge Utilization Office.

21 (b) DUTIES.—The Knowledge Utilization Office  
22 shall—

23 (1) disseminate information on scientifically  
24 valid research on education to the public, the media,  
25 voluntary organizations, and other constituencies, es-  
26 pecially with respect to information relating to—

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

3 (B) education technology;

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

7 (3) make such information accessible in a user-  
8 friendly, timely, and efficient manner (including  
9 through use of the Internet) to schools, educators,  
10 parents, administrators, policymakers, entities re-  
11 sponsible for carrying out technical assistance  
12 through the Department, and the general public.

13 (c) ADDITIONAL DUTIES.—In carrying out sub-  
14 section (b), the Knowledge Utilization Office shall—

15 (1) ensure that information disseminated under  
16 this section is completed in a cost-effective, non-  
17 duplicative manner (including through the continu-  
18 ation of individual clearinghouses authorized under  
19 the Educational Research, Development, Dissemina-  
20 tion, and Improvement Act of 1994 (title IX of the  
21 Goals 2000: Educate America Act; 20 U.S.C. 6001  
22 et seq.) (as such Act existed on the day before the  
23 date of enactment of this title)), to the extent appro-  
24 priate;

1           (2) prominently describe the type of scientific  
2 evidence that is used as a part of information dis-  
3 semination; and

4           (3) clearly explain the scientifically appropriate  
5 and inappropriate uses of each of the types of evi-  
6 dence that is used to support the findings of the in-  
7 formation disseminated.

8           (d) NATIONAL LIBRARY OF EDUCATION.—There is  
9 established within the Knowledge Utilization Office a Na-  
10 tional Library of Education that shall collect and archive  
11 information, including products and publications devel-  
12 oped through, or supported by, the Academy, and other  
13 relevant and useful education-related research informa-  
14 tion, projects, and publications that are consistent with  
15 scientifically valid research and are developed by the De-  
16 partment, other Federal agencies, or entities (including  
17 entities supported under title II).

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

20           **SEC. 131. ESTABLISHMENT.**

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

24           (b) MISSION.—The mission of the Research Center  
25 is to provide national leadership in—

1           (1) expanding fundamental knowledge and un-  
2           derstanding of education, particularly to improve the  
3           teaching and learning of reading, writing, mathe-  
4           matics, science, and other academic subjects;

5           (2) using accepted practices of scientific inquiry  
6           to obtain knowledge, comprehension, or under-  
7           standing of the validity of educational theories, prac-  
8           tices, or conditions; and

9           (3) promoting scientifically valid research find-  
10          ings that can provide the basis for improving aca-  
11          demic instruction and learning in the classroom.

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

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

16           (1) have substantial knowledge of programs as-  
17           sisted by the Research Center, including a high level  
18           of expertise in the field of research and research  
19           management;

20           (2) be paid at the rate of basic pay for level IV  
21           of the Executive Schedule; and

22           (3) serve for a term of not more than 6 years.

23 **SEC. 133. DUTIES.**

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

1           (1) maintain published peer review standards  
2           and standards for the conduct and evaluation of all  
3           research, development, and dissemination carried out  
4           under the auspices of the Research Center pursuant  
5           to the provisions of this part;

6           (2) carry out specific, long-term activities con-  
7           sistent with the priorities and mission of the Acad-  
8           emy;

9           (3) develop a research plan in consultation with  
10          the Director, based upon the activities described in  
11          paragraph (2), which shall be carried out pursuant  
12          to paragraph (4), and as appropriate, be updated  
13          and modified;

14          (4) award contracts, grants, or cooperative  
15          agreements in consultation with the Director and in  
16          accordance with section 135(b), at an amount and  
17          for a length of time determined to be appropriate to  
18          carry out scientifically valid research that—

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

22                (B) meets the standards of research and  
23                peer review described in section 115(e); and

24                (C) includes both basic research and ap-  
25                plied research, which shall include research con-

1           ducted through field-initiated studies and may  
2           include ongoing research initiatives;

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

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

9           (7) synthesize and disseminate, through the  
10          Knowledge Utilization Office, the findings and re-  
11          sults of education research conducted or supported  
12          by the Research Center; and

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

16          (b) ELIGIBILITY.—The Research Center may award  
17          a contract, grant, or cooperative agreement under sub-  
18          section (a)(4) only if the recipient of the contract, grant,  
19          or cooperative agreement is an organization or institution  
20          (whether public or private, for-profit or nonprofit), an in-  
21          stitution of higher education, a consortium thereof, or an  
22          individual (including national research and development  
23          centers and regional education laboratories for research,  
24          development, dissemination, and technical assistance (as  
25          such centers and laboratories existed on the day before

1 the date of enactment of this title)) with the ability or  
2 capacity to carry out scientifically valid research.

3 (c) EVALUATIVE SUMMARIES OF RESEARCH PRIOR-  
4 ITIES.—In addition to the duties described in subsection  
5 (a), the Research Center shall conduct an evaluative sum-  
6 mary that—

7 (1) shall be completed not later than 1 year  
8 after the date of enactment of this title and annually  
9 thereafter; and

10 (2) shall be submitted to the Director and the  
11 Board to provide assistance on developing and im-  
12 plementing the research plan described in subsection  
13 (a)(3).

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

16 (1) include a detailed description of the findings  
17 of the main research and development activities of  
18 the Research Center (and the national research and  
19 development centers and regional education labora-  
20 tories for research, development, dissemination, and  
21 technical assistance (as such centers and labora-  
22 tories existed on the day before the date of enact-  
23 ment of this title));

24 (2) describe how such findings are consistent  
25 with scientifically valid research;

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

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

6           (5) include a classification of all major research  
7 conducted within each priority area, including all re-  
8 search conducted using Federal funds in relation to  
9 scientifically valid research; and

10          (6) include an analysis of the major program  
11 activities of the Research Center in the categories of  
12 basic research, applied research, and development,  
13 and of whether such activities meet scientifically  
14 based research standards.

15 (e) TRANSITION.—

16          (1) INITIAL EXTENSION.—The Research Cen-  
17 ter, in consultation with the Director, may extend  
18 any cooperative agreement, grant, or contract made  
19 to a national research and development center (as  
20 such center existed on the day before the date of en-  
21 actment of this title), for a period of not more than  
22 2 years.

23          (2) SUBSEQUENT EXTENSION.—After the expi-  
24 ration of the 2-year period described in paragraph  
25 (1), the Research Center, in consultation with the

1 Director and based upon the research plan developed  
2 by the Research Center under subsection (a)(3), the  
3 priorities of the national research and development  
4 center, the quality of research conducted by the na-  
5 tional research and development center, and the ca-  
6 pacity of the national research and development cen-  
7 ter to meet the standards of scientifically valid re-  
8 search, may—

9 (A) extend or renegotiate such grant, con-  
10 tract, or cooperative agreement with the na-  
11 tional research and development center for a  
12 period not to extend beyond fiscal year 2005; or

13 (B) terminate or decline to renew the  
14 grant, contract, or cooperative agreement.

15 **SEC. 134. ANNUAL REPORT.**

16 The Research Commissioner shall annually transmit  
17 to the President, the Board, and the appropriate congres-  
18 sional committees and make widely available to the public  
19 (including by means of the Internet), a report containing  
20 the following:

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

24 (2) A detailed summary of each grant, contract,  
25 and cooperative agreement in excess of \$100,000

1 funded during the prior fiscal year, including, at a  
2 minimum, the amount, duration, recipient, purpose,  
3 and goal of the award and its relationship to the pri-  
4 orities and mission of the Academy, the products  
5 completed, and an evaluation of the activities, which  
6 shall be available in a user-friendly electronic data-  
7 base.

8 (3) A description of how the activities of the  
9 Research Center use scientifically valid research con-  
10 sistent with the provisions of this part and have oth-  
11 erwise contributed to the mission of the Research  
12 Center as described under section 131(b).

13 (4) Such additional comments, recommenda-  
14 tions, and materials as the Director considers appro-  
15 priate.

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

18 (a) IN GENERAL.—In carrying out this part, the Re-  
19 search Commissioner, in consultation with the Director,  
20 shall—

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

24 (2) develop such other standards as may be  
25 necessary to govern the conduct and evaluation of all

1 research, development, and dissemination activities  
2 carried out by the Research Center to assure that  
3 such activities meet the highest standards of profes-  
4 sional excellence;

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

13 (4) require research to comply with Federal  
14 guidelines relating to research misconduct.

15 (b) AWARDING OF FUNDS.—In the case of research  
16 that is carried out under this part through grants, con-  
17 tracts, or cooperative agreements, the Research Center, in  
18 consultation with the Director, at a minimum, shall—

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

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

1 (A) for reviewing and evaluating all appli-  
2 cations for grants and cooperative agreements  
3 and bids for contracts that exceed \$100,000;  
4 and

5 (B) for evaluating and assessing the per-  
6 formance of all recipients of grants, cooperative  
7 agreements, and contracts;

8 (3) develop the procedures to be used in evalu-  
9 ating applications for grants, cooperative agree-  
10 ments, and contracts and specify the criteria and  
11 factors which shall be considered in making such  
12 evaluations; and

13 (4) evaluate the performance of each recipient  
14 of an award of a grant, contract, or cooperative  
15 agreement at the conclusion of the award.

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

18 **SEC. 151. ESTABLISHMENT.**

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

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

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

4           (2) to report education information and statis-  
5           tics under this title in a timely manner; and

6           (3) to collect, analyze, and report education in-  
7           formation and statistics under this title in a manner  
8           that—

9                   (A) is objective, secular, neutral, and non-  
10                   ideological and is free of partisan and political  
11                   influence and racial, cultural, gender, or re-  
12                   gional bias; and

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

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

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

19                   (1) shall have substantial knowledge of statis-  
20                   tical methodologies and activities undertaken by the  
21                   Statistics Center;

22                   (2) shall be paid at the rate of basic pay for  
23                   level IV of the Executive Schedule; and

24                   (3) shall serve a term of not more than 6 years.

1 **SEC. 153. DUTIES.**

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

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

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

16 (B) student achievement in the core aca-  
17 demic areas of reading, math, and science at all  
18 levels of education;

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

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

24 (E) teaching, including data on profes-  
25 sional development, including a comparison of  
26 courses taken in the core academic areas of

1 reading, math, and science with courses in  
2 noncore academic areas;

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

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

11 (i) the relationship between victims  
12 and perpetrators;

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

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

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

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

1           (J) the existence and use of educational  
2           technology and access to the Internet in ele-  
3           mentary schools and secondary schools;

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

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

13          (4) assisting public and private educational  
14          agencies, organizations, and institutions in improv-  
15          ing and automating statistical and data collection  
16          activities; and

17          (5) acquiring and disseminating data on edu-  
18          cational activities and student achievement (such as  
19          the Third International Math and Science Study) in  
20          the United States compared with foreign nations.

21          (b) TRAINING PROGRAM.—The Statistics Commis-  
22          sioner may establish a program to train employees of pub-  
23          lic and private educational agencies, organizations, and in-  
24          stitutions in the use of standard statistical procedures and  
25          concepts and may establish a fellowship program to ap-

1 point such employees as temporary fellows at the Statis-  
2 tics Center in order to assist the Statistics Center in car-  
3 rying out its duties.

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

5 (a) GRANTS, CONTRACTS, AND COOPERATIVE  
6 AGREEMENTS.—In carrying out the duties under this  
7 part, the Statistics Center, in consultation with the Direc-  
8 tor, may award grants, enter into contracts and coopera-  
9 tive agreements, and provide technical assistance.

10 (b) GATHERING INFORMATION.—

11 (1) SAMPLING.—The Statistics Center may use  
12 the statistical method known as sampling (including  
13 random sampling) to carry out this part.

14 (2) SOURCE OF INFORMATION.—The Statistics  
15 Center may, as appropriate, use information  
16 collected—

17 (A) from States, local educational agencies,  
18 public and private schools, preschools, institu-  
19 tions of postsecondary education, libraries, ad-  
20 ministrators, teachers, students, the general  
21 public, and other individuals, organizations,  
22 agencies, and institutions (including informa-  
23 tion collected by States and local educational  
24 agencies for their own use); and

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

4 (3) COLLECTION.—The Statistics Center may—

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

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

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

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

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

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

21 **SEC. 155. REPORTS.**

22 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The  
23 Statistics Center, in consultation with the Director, shall  
24 establish procedures, in accordance with section 187, to  
25 ensure that the reports issued under this section are rel-

1 evant, of high quality, useful to customers, subject to rig-  
2 orous peer review, produced in a timely fashion, and free  
3 from any political influence.

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

11 (c) STATISTICAL REPORTS.—The Statistics Center  
12 shall issue regular statistical reports to the President and  
13 the appropriate congressional committees on such edu-  
14 cation topics as appropriate.

15 **SEC. 156. DISSEMINATION.**

16 (a) GENERAL REQUESTS.—

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

22 (2) COMPILATIONS.—The Statistics Center  
23 shall provide State and local educational agencies  
24 opportunities to suggest the development of par-

1        ticular compilations of statistics, surveys, and anal-  
2        yses that would assist those educational agencies.

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

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

13       (d) FEES.—

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

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

25       (e) ACCESS.—

1           (1) OTHER AGENCIES.—The Statistics Center  
2 shall, consistent with sections 159 and 184, cooper-  
3 ate with other Federal agencies having a need for  
4 educational data in providing access to educational  
5 data received by the Statistics Center.

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

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

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

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

2 In this part, the term “State” includes each of the  
3 50 States, the District of Columbia, and the Common-  
4 wealth of Puerto Rico.

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

7 **SEC. 171. ESTABLISHMENT.**

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

11 (b) MISSION.—The mission of the Evaluation Center  
12 shall be to conduct evaluations of Federal education pro-  
13 grams administered by the Secretary (and as time and re-  
14 sources allow, other education programs) to determine the  
15 impact of such programs, especially on student academic  
16 achievement in the core academic areas of reading, math,  
17 and science.

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

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

22 (1) shall possess a demonstrated capacity for  
23 sustained productivity and leadership in education  
24 evaluation, and be technically competent in con-  
25 ducting scientifically valid education evaluations;

1           (2) shall oversee all evaluation activities of the  
2           Evaluation Center, the awarding of contracts, the  
3           development of evaluation methodology, the report-  
4           ing of findings of evaluations to the public and ap-  
5           propriate congressional committees, and other duties  
6           essential to carrying out the mission of the Evalua-  
7           tion Center;

8           (3) shall be paid at the rate of basic pay for  
9           level IV of the Executive Schedule; and

10          (4) shall serve a term of not more than 6 years.

11 **SEC. 173. DUTIES.**

12          (a) GENERAL DUTIES.—

13           (1) IN GENERAL.—The Evaluation Center  
14           shall—

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

17           (B) evaluate programs under title I of the  
18           Elementary and Secondary Education Act of  
19           1965;

20           (C) review and supplement, where feasible,  
21           program evaluation activities in the Depart-  
22           ment; and

23           (D) submit to the President and the ap-  
24           propriate congressional committees a report on

1           the Evaluation Center’s evaluation activities on  
2           an annual basis.

3           (2) **ADDITIONAL REQUIREMENTS.**—Each eval-  
4           uation conducted by the Evaluation Center pursuant  
5           to paragraph (1) shall adhere to the highest possible  
6           standards of quality for conducting scientifically  
7           valid education evaluation with respect to research  
8           design, statistical analysis, and the dissemination of  
9           findings as described in this title.

10          (b) **ADMINISTRATION OF EVALUATIONS UNDER**  
11 **TITLE I OF THE ELEMENTARY AND SECONDARY EDU-**  
12 **CATION ACT OF 1965.**—The Evaluation Center shall ad-  
13 minister all operations and contracts associated with eval-  
14 uations authorized by part E of title I of the Elementary  
15 and Secondary Education Act of 1965 (20 U.S.C. 6491  
16 et seq.) and administered by the Department of Education  
17 as of the date of enactment of this title.

## 18           **PART E—GENERAL PROVISIONS**

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

20          In this title:

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

1           (2) The term “applied research” means  
2 research—

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

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

9           (3) The term “basic research” means  
10 research—

11           (A) to gain fundamental knowledge or un-  
12 derstanding of phenomena and observable facts,  
13 without specific application toward processes or  
14 products; and

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

17           (4) The term “Academy” means the Academy  
18 of Education Sciences.

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

21           (6) The term “development” means the system-  
22 atic use of knowledge or understanding gained from  
23 the findings of scientifically valid research that may  
24 prove useful in areas (such as the preparation of  
25 materials and new methods of instruction and prac-

1 tices in teaching), that may lead to the improvement  
2 of the academic skills of students, and that are  
3 replicable in different educational settings.

4 (7) The term “Director” means the Director of  
5 the Academy of Education Sciences.

6 (8) The term “dissemination” means the com-  
7 munication and transfer of the results of scientif-  
8 ically valid research, statistics, and evaluations, in  
9 forms that are understandable, easily accessible, and  
10 usable, or adaptable for use in, the improvement of  
11 educational practice by teachers, administrators, li-  
12 brarians, other practitioners, researchers, policy-  
13 makers, and the public, through the provision of  
14 technical assistance, electronic transfer, and other  
15 means.

16 (9) The term “field-initiated research” means  
17 basic research or applied research in which topics  
18 and methods of study are generated by investigators  
19 (including teachers and other practitioners) and that  
20 conforms to standards of scientifically valid research.

21 (10) The term “institution of higher education”  
22 has the meaning given that term in section 101(a)  
23 of the Higher Education Act of 1965 (20 U.S.C.  
24 1001(a)).

1           (11) The term “scientifically based research  
2 standards”—

3           (A) means the application of rigorous, sys-  
4 temic, and objective procedures to obtain reli-  
5 able and valid knowledge relevant to education  
6 activities and programs; and

7           (B) includes research that—

8           (i) employs systematic, empirical  
9 methods that draw on observation or ex-  
10 periment;

11           (ii) involves rigorous data analyses  
12 that are adequate to test the stated  
13 hypotheses and justify the general conclu-  
14 sions drawn;

15           (iii) relies on measurements or obser-  
16 vational methods that provide valid data  
17 across evaluators and observers, across  
18 multiple measurements and observations,  
19 and across studies by the same or different  
20 investigators;

21           (iv) uses experimental or quasi-experi-  
22 mental designs in which individuals, enti-  
23 ties, programs, or activities are assigned to  
24 different conditions with appropriate con-  
25 trols to evaluate the effects of the condi-

1           tion of interest through random assign-  
2           ment experiments or other designs (to the  
3           extent such designs contain within-condi-  
4           tion or across-condition controls);

5           (v) ensures experimental studies are  
6           presented in sufficient detail and clarity to  
7           allow for replication or, at a minimum, of-  
8           fers the opportunity to build systematically  
9           on the findings of the research; and

10          (vi) has been accepted by a peer-re-  
11          viewed journal or has been approved by a  
12          panel of independent experts through a  
13          comparably rigorous, objective, and sci-  
14          entific review.

15          (12) The term “scientifically valid education  
16          evaluation”—

17          (A) means an evaluation that—

18          (i) adheres to the highest possible  
19          standards of quality, with respect to re-  
20          search design, statistical analysis, and the  
21          dissemination of findings;

22          (ii) provides an adequate under-  
23          standing of the programs being evaluated  
24          and examines program implementation,

1 program impacts, and the relationships be-  
2 tween these factors; and

3 (iii) provides impact and analysis of  
4 the results achieved by the program; and

5 (B) includes only those evaluations that—

6 (i) use quantitative methodologies (in-  
7 cluding experimental designs using random  
8 assignment), and quasi-experimental meth-  
9 odologies, of the highest quality;

10 (ii) when quantitative experimental  
11 designs are not feasible in order to study  
12 program impacts, use the strongest pos-  
13 sible quasi-experimental alternative, basing  
14 it on longitudinal data; and

15 (iii) in order to study program imple-  
16 mentation, use a combination of qualitative  
17 and quantitative methods.

18 (13) The term “scientifically valid research” in-  
19 cludes applied research, basic research, and field-ini-  
20 tiated research the rationale, design, and interpreta-  
21 tion of which are soundly developed in accordance  
22 with scientifically based research standards for  
23 quantitative and qualitative research under this title.

24 (14) The term “Secretary” means the Secretary  
25 of Education.

1           (15) The term “State” includes (subject to sec-  
2           tion 158 in part C) each of the 50 States, the Dis-  
3           trict of Columbia, the Commonwealth of Puerto  
4           Rico, Guam, American Samoa, the Virgin Islands,  
5           and the Commonwealth of the Northern Mariana Is-  
6           lands.

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

8                   (A) assistance in identifying, selecting, or  
9                   designing solutions, based on scientifically valid  
10                  research, leading to improved educational prac-  
11                  tices and classroom instruction; and

12                   (B) assistance in interpreting, analyzing,  
13                  and utilizing statistics and evaluations.

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

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

18 **SEC. 183. PROHIBITIONS.**

19           (a) NATIONAL DATABASE.—Nothing in this title may  
20           be construed to authorize the development of a nationwide  
21           database of individually identifiable information on indi-  
22           viduals involved in studies or other collections of data  
23           under this title.

24           (b) FEDERAL GOVERNMENT AND USE OF FEDERAL  
25           FUNDS.—Nothing in this title may be construed to au-

1 thorize an officer or employee of the Federal Government  
2 to mandate, direct, or control the curriculum, program of  
3 instruction, or allocation of State or local resources of a  
4 State, local educational agency, or school, or to mandate  
5 a State, or any subdivision thereof, to spend any funds  
6 or incur any costs not provided for under this title.

7 (c) ENDORSEMENT OF CURRICULUM.—Notwith-  
8 standing any other provision of Federal law, no funds pro-  
9 vided under this title to the Academy, including any office,  
10 board, committee, or center of the Academy, may be used  
11 by the Academy to endorse, approve, or sanction any cur-  
12 riculum designed to be used in an elementary school or  
13 secondary school.

14 (d) REVIEW OF REPORTS BY OTHER AGENCIES.—  
15 No report issued by the Academy, including any office,  
16 board, committee, or center within the Academy, shall be  
17 subject to review by a Federal office or agency outside  
18 of the Academy.

19 (e) FEDERALLY SPONSORED TESTING.—

20 (1) IN GENERAL.—Subject to paragraph (2), no  
21 funds provided under this title to the Secretary or  
22 to the recipient of any award may be used to de-  
23 velop, pilot test, field test, implement, administer, or  
24 distribute any federally sponsored national test in

1 reading, mathematics, or any other subject, unless  
2 specifically and explicitly authorized by law.

3 (2) EXCEPTIONS.—Subsection (a) shall not  
4 apply to international comparative assessments de-  
5 veloped under the authority of section 153(a)(5) or  
6 section 404(a)(6) of the National Education Statis-  
7 tics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such  
8 section existed on the day before the date of enact-  
9 ment of this title) and administered to only a rep-  
10 resentative sample of pupils in the United States  
11 and in foreign nations.

12 **SEC. 184. CONFIDENTIALITY.**

13 (a) IN GENERAL.—All collection, maintenance, use,  
14 and dissemination of data by the Academy, including each  
15 office, board, committee, and center of the Academy, shall  
16 conform with the requirements of section 552a of title 5,  
17 United States Code, and the confidentiality requirements  
18 of section 159 of this title.

19 (b) STUDENT INFORMATION.—The Director shall en-  
20 sure that all individually identifiable information about  
21 students, their academic achievements, and their families,  
22 and information with respect to individual schools, re-  
23 mains confidential in accordance with section 552a of title  
24 5, United States Code, and section 159 of this title.

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

2 Subject to sections 159 and 184, data collected by  
3 the Academy, including any office, board, committee, or  
4 center of the Academy, in carrying out the priorities and  
5 mission of the Academy shall be made available to the  
6 public, including through use of the Internet.

7 **SEC. 186. PERFORMANCE MANAGEMENT.**

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

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

15 (2) Disseminating information in a timely fash-  
16 ion and in formats that are easily accessible and us-  
17 able by researchers, practitioners, and the general  
18 public.

19 (3) Utilizing the most modern technology and  
20 other methods available, including arrangements to  
21 use data collected electronically by States and local  
22 educational agencies, to ensure the efficient collec-  
23 tion and timely distribution of information, including  
24 data and reports.

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

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

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

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

9           (a) PUBLICATION.—The Academy, including each of-  
10          fice, board, committee, and center of the Academy, may  
11          prepare and publish (including through oral presentations)  
12          such research-based information and research reports as  
13          needed to carry out the priorities and mission of the Acad-  
14          emy, irrespective of whether the Academy has obtained  
15          clearance or approval for such preparation and publication  
16          by the Secretary or any other officer of the Department.

17          (b) PEER REVIEW.—All published information and  
18          reports of the Academy, including each office, board, com-  
19          mittee, and center of the Academy, shall be subjected to  
20          rigorous peer review before being published or otherwise  
21          made available and shall include the names of the peer  
22          reviewers.

23          (c) ADVANCE COPIES.—The Academy, including each  
24          office, board, committee, and center of the Academy, shall  
25          provide the Director and Secretary an advance copy of any

1 information to be published at least 30 days before the  
2 publication.

3 **SEC. 188. VACANCIES.**

4 Any member appointed to fill a vacancy in any office,  
5 board, committee, or center of the Academy occurring be-  
6 fore the expiration of the term for which the member's  
7 predecessor was appointed shall be appointed only for the  
8 remainder of that term. A member may serve after the  
9 expiration of that member's term until a successor has  
10 taken office. A vacancy in an office, board, committee, or  
11 center of the Academy shall be filled in the manner in  
12 which the original appointment was made. This section  
13 does not apply to employees appointed under section 189.

14 **SEC. 189. STAFF.**

15 (a) STAFF.—Each official who is the head of the  
16 Academy or any office, board, committee, or center of the  
17 Academy may appoint and fix the pay of such staff as  
18 that official determines to be necessary to carry out the  
19 functions of the Academy or the office, board, committee,  
20 or center, respectively, subject to subsection (b) and the  
21 provisions of title 5, United States Code, governing ap-  
22 pointments in the competitive service, and the provisions  
23 of chapter 51 and subchapter III of chapter 53 of such  
24 title relating to classification and General Schedule pay  
25 rates.

1 (b) SCIENTIFIC OR TECHNICAL EMPLOYEES.—

2 (1) APPOINTMENT; PAY.—Each official who is  
3 the head of the Academy or any office, board, com-  
4 mittee, or center of the Academy may appoint for  
5 limited periods of time and fix the pay of certain sci-  
6 entific or technical employees to carry out the func-  
7 tions of the Academy or the office, board, com-  
8 mittee, or center, respectively, without regard to the  
9 provisions of title 5, United States Code, governing  
10 appointments in the competitive service, and the pro-  
11 visions of chapter 51 and subchapter III of chapter  
12 53 of such title relating to classification and General  
13 Schedule pay rates.

14 (2) MAXIMUM NUMBER.—Employees appointed  
15 under this subsection shall not exceed 20 percent of  
16 the total employees of the Academy.

17 (3) MAXIMUM PAY RATE.—An employee ap-  
18 pointed under this subsection may not be paid at a  
19 rate that exceeds the rate of basic pay for level IV  
20 of the Executive Schedule.

21 (4) TERMS.—An employee appointed under this  
22 subsection may serve not longer than 3 years (ex-  
23 cluding any period of service before the date of the  
24 enactment of this title), except that at any time 20  
25 percent of the total employees so appointed may be

1 appointed to serve an additional period of not longer  
2 than 3 years.

3 **SEC. 190. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-  
5 priated to carry out this title (other than sections 160 and  
6 161) \$270,000,000 for fiscal year 2003 and such sums  
7 as may be necessary for each of the 4 succeeding fiscal  
8 years.

9 (b) NATIONAL ASSESSMENT OF EDUCATIONAL  
10 PROGRESS.—There are authorized to be appropriated to  
11 carry out sections 160 and 161 (relating to the National  
12 Assessment of Educational Progress and the National As-  
13 sessment Governing Board) \$95,423,000 for fiscal year  
14 2003 and such sums as may be necessary for each of the  
15 4 succeeding fiscal years.

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

18 **TITLE II—REGIONAL EDU-**  
19 **CATIONAL TECHNICAL AS-**  
20 **SISTANCE**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Regional Educational  
23 Technical Assistance Act”.

24 **SEC. 202. TABLE OF CONTENTS.**

25 The table of contents for this title is as follows:

Sec. 201. Short title.

Sec. 202. Table of contents.  
 Sec. 203. Regional research and assistance.  
 Sec. 204. Regional governing boards.  
 Sec. 205. Regional plans.  
 Sec. 206. Technical assistance and dissemination.  
 Sec. 207. Authority and duties.  
 Sec. 208. Other powers and duties.  
 Sec. 209. Funding.  
 Sec. 210. Coordination.  
 Sec. 211. Annual evaluation.  
 Sec. 212. Authorization of appropriations.  
 Sec. 213. General provisions.

1 **SEC. 203. REGIONAL RESEARCH AND ASSISTANCE.**

2 The Secretary of Education (in this title referred to  
 3 as the “Secretary”) shall—

4 (1) establish, oversee, and coordinate a nation-  
 5 wide network of regional entities (which may include  
 6 State educational agencies or local educational agen-  
 7 cies and public or private nonprofit organizations or  
 8 institutions or consortia thereof) authorized to pro-  
 9 vide comprehensive applied research, development,  
 10 and technical assistance to States, local educational  
 11 agencies, schools, tribes, community-based organiza-  
 12 tions, and other appropriate entities in, at a  
 13 minimum—

14 (A) the core academic areas of reading,  
 15 math, and science; and

16 (B) education technology ; and

17 (2) in identifying the 10 regional areas of the  
 18 United States to be served, use the geographic re-  
 19 gions established under section 941(h)(2) of the

1 Education Research, Development, Dissemination,  
2 and Improvement Act of 1994 (20 U.S.C.  
3 6041(h)(2)).

4 **SEC. 204. REGIONAL GOVERNING BOARDS.**

5 Each regional entity established under section 203(1)  
6 shall be governed by a board, to be known as a regional  
7 governing board, which shall be established by the Gov-  
8 ernors, in consultation with the chief school officers, in  
9 the States in the region, and which shall include at least  
10 one member from each State in the region. The member-  
11 ship of such board shall include—

12 (1) parents;

13 (2) practicing educators (such as classroom  
14 teachers, principals, and administrators), who shall  
15 be selected jointly by the Governors and the chief  
16 school officers in the States in the region; and

17 (3) policymakers and expert practitioners with  
18 knowledge of, and experience using, the results of  
19 research, evaluation, and statistics.

20 **SEC. 205. REGIONAL PLANS.**

21 Each regional entity shall—

22 (1) develop a plan for identifying and serving  
23 the needs of all States within the region by con-  
24 ducting a survey of the educational needs, strengths,  
25 and weaknesses within the region, including through

1 a process of open hearings to solicit the views and  
2 needs of public and private schools, public charter  
3 schools, teachers, administrators, parents, local edu-  
4 cational agencies, librarians, businesses, State edu-  
5 cational agencies, and other customers within the re-  
6 gion;

7 (2) transmit the plan developed under para-  
8 graph (1) to the Secretary, the Director of the Acad-  
9 emy of Education Sciences, and the National Board  
10 for Education Sciences, to assist in making decisions  
11 regarding the national priorities within education re-  
12 search (as described in section 116 of the Education  
13 Sciences Reform Act of 2002);

14 (3) ensure that the activities supported by the  
15 entity shall maintain the highest levels of quality;

16 (4) in consultation with the Secretary, guide  
17 and direct recipients of awards under section 206 in  
18 satisfying the terms and conditions of their awards;

19 (5) ensure that each recipient of an award  
20 under section 206 has effective governance, organi-  
21 zation, management, and administration (including  
22 sound financial and fiscal practices) and employs  
23 highly qualified staff; and

1           (6) ensure that each recipient of an award  
2           under section 206 carries out its duties in a manner  
3           consistent with section 203(1).

4 **SEC. 206. TECHNICAL ASSISTANCE AND DISSEMINATION.**

5           Based on the plan required under section 205, each  
6 regional entity shall award competitive contracts to carry  
7 out comprehensive technical assistance and dissemination.  
8 Such contracts shall provide for the following:

9           (1) Training and technical assistance to State  
10          educational agencies, local educational agencies, pub-  
11          lic and private schools, public charter schools, tribes,  
12          community-based organizations, and other appro-  
13          priate entities, that are consistent with—

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

18                 (B) scientifically valid education research  
19                 on teaching methods and assessment tools for  
20                 use by teachers and administrators in, at a  
21                 minimum—

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

24                         (ii) education technology.

1           (2) The dissemination of scientifically valid re-  
2           search, information, products, and publications to—

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

6                   (B) the Knowledge Utilization Office.

7           (3) The provision of education products based  
8           on scientifically valid research in a form usable—

9                   (A) to promote school improvement and  
10                  academic achievement; and

11                  (B) to narrow achievement gaps.

12 **SEC. 207. AUTHORITY AND DUTIES.**

13           (a) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—

14 In awarding competitive contracts under section 206, each  
15 regional entity may enter into contracts with organizations  
16 or institutions (whether private or public, for-profit or  
17 nonprofit), State educational agencies, local educational  
18 agencies, or institutions of higher education (or consortia  
19 of such entities), or individuals, with the demonstrated  
20 ability or capacity to carry out technical assistance or  
21 demonstration activities, which may include entities that  
22 carried out activities (before the date of enactment of this  
23 title) under any of the following provisions of law (or their  
24 predecessor provisions):

1           (1) Part K of the Educational Research, Devel-  
2           opment, Dissemination, and Improvement Act of  
3           1994 (title IX of the Goals 2000: Educate America  
4           Act) (20 U.S.C. 6053 et seq.) relating to Com-  
5           prehensive Regional Assistance Centers (as such  
6           part existed on the day before the date of enactment  
7           of this title).

8           (2) Part M of such Act (20 U.S.C. 6055 et  
9           seq.) relating to the Eisenhower Regional Mathe-  
10          matics and Science Education Consortia (as such  
11          part existed on the day before the date of enactment  
12          of this title).

13          (3) Part N of such Act (20 U.S.C. 6053 et  
14          seq.) relating to Technology-Based Technical Assist-  
15          ance (as such part existed on the day before the date  
16          of enactment of this title).

17          (4) Section 931(c)(1)(B) of such Act (20  
18          U.S.C. 6031(c)(1)(B)) (relating to national research  
19          and development institutes).

20          (5) Section 941(h) of such Act (20 U.S.C.  
21          6041(h)) (relating to regional educational labora-  
22          tories for research, development, dissemination, and  
23          technical assistance).

24          (b) OBJECTIVES AND INDICATORS.—Before each re-  
25          gional entity awards contracts under section 206, each re-

1 gional governing board shall design specific objectives and  
2 measurable indicators—

3 (1) to assess the contractors;

4 (2) to ensure that the needs of the region are  
5 being met; and

6 (3) to ensure that the standards of scientifically  
7 valid research are being used in activities that are  
8 consistent with the plan under section 205(1).

9 (c) **PRIORITY ENTITIES.**—In awarding competitive  
10 contracts under section 206, each regional entity shall give  
11 priority to applicants that propose to serve—

12 (1) schools with high percentages or numbers of  
13 students from low-income families, as determined  
14 under section 1113(a)(5) of the Elementary and  
15 Secondary Education Act of 1965 (20 U.S.C.  
16 6313(a)(5)), including such schools in rural and  
17 urban areas; and

18 (2) local educational agencies in which a high  
19 percentage or number of school-age children are  
20 from low-income families, as determined under sec-  
21 tion 1124(c)(1)(A) of the Elementary and Secondary  
22 Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)),  
23 including such agencies in rural and urban areas.

24 **SEC. 208. OTHER POWERS AND DUTIES.**

25 Each regional governing board—

1           (1) shall ensure its activities meet the high  
2 standards of quality and the needs of the applicable  
3 region;

4           (2) shall ensure the services and activities are  
5 provided using the highest quality and most cost-ef-  
6 fective strategies possible; and

7           (3) shall ensure that recipients of the awards  
8 coordinate their activities.

9 **SEC. 209. FUNDING.**

10 (a) IN GENERAL.—

11           (1) From funds made available under section  
12 212 for each fiscal year, the Secretary shall provide  
13 to each regional entity that submits an application  
14 under subsection (b), an amount comparable to the  
15 level of funding received by such region (or similar  
16 region), under prior regional assistance programs  
17 (as described under section 207(a)(1)), of which not  
18 more than 2 percent may be used for administrative  
19 purposes.

20           (2) The Secretary, in consultation with the Di-  
21 rector of the Academy of Education Sciences and  
22 the National Board for Education Sciences, may al-  
23 locate any funds in excess of funds appropriated in  
24 fiscal year 2001 to regions based on the needs of

1 such regions as described in the regional plans devel-  
2 oped under section 205(1).

3 (b) APPLICATION.—Each regional entity seeking  
4 funds under this part shall submit to the Secretary for  
5 approval an application, which shall contain—

6 (1) a description of how the regional entity will  
7 carry out the activities in accordance with this part;

8 (2) an assurance that the regional entity will  
9 give priority in awarding contracts to entities pro-  
10 viding services to the schools and local educational  
11 agencies described in section 207(c); and

12 (3) such additional information as the Secretary  
13 may reasonably require.

14 **SEC. 210. COORDINATION.**

15 In order to assure coordination and prevent unneces-  
16 sary duplication of activities among the regions, the Sec-  
17 retary shall—

18 (1) share information about the activities of  
19 each region with each other region and with the Di-  
20 rector of the Academy of Education Sciences and  
21 the National Board for Education Sciences;

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

1           (3) where appropriate, employ methods through  
2           which the activities undertaken by each of the re-  
3           gional entities also serves national interests.

4 **SEC. 211. ANNUAL EVALUATION.**

5           The Secretary shall provide for an annual inde-  
6           pendent evaluation of the regions in carrying out this part,  
7           the results of which shall be transmitted to the National  
8           Board for Education Sciences and the relevant congres-  
9           sional committees. The evaluation shall include an analysis  
10          of the services provided under this part, the extent to  
11          which the regional entities have met the objectives of the  
12          plans submitted under section 205(1), and whether such  
13          services have met the needs of local educational agencies  
14          and schools in the region, including those local educational  
15          agencies and schools described in section 207(c).

16 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

17          There are authorized to be appropriated to carry out  
18          this title \$67,500,000 for fiscal year 2003 and such sums  
19          as may be necessary for each of the 4 succeeding fiscal  
20          years.

21 **SEC. 213. GENERAL PROVISIONS.**

22          The provisions of part E of the Education Sciences  
23          Reform Act of 2002 apply to this title, except that any  
24          responsibilities assigned solely to the Director of the Acad-

1 emy of Education Sciences shall be the responsibility of  
2 the Secretary.

### 3 **TITLE III—AMENDATORY** 4 **PROVISIONS**

#### 5 **SEC. 301. REDESIGNATIONS.**

6 (a) CONFIDENTIALITY.—Section 408 of the National  
7 Education Statistics Act of 1994 (20 U.S.C. 9007) is  
8 transferred and redesignated as section 159 of this Act  
9 and is amended—

10 (1) by striking “Center” each place such term  
11 appears and inserting “Director”;

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

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

17 “(1) IN GENERAL.—

18 “(A) DISCLOSURE.—No Federal depart-  
19 ment, bureau, agency, officer, or employee may,  
20 for any reason, require the Director, any Com-  
21 missioner of a National Education Center, or  
22 any other employee of the Academy to disclose  
23 individually identifiable information that has  
24 been collected or retained under this title.

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

8           “(C) APPLICATION.—This paragraph does  
9 not apply to requests for individually identifi-  
10 able information submitted by or on behalf of  
11 the individual identified in the information.”.

12       (b) NATIONAL ASSESSMENT GOVERNING BOARD.—  
13 Section 412 of the National Education Statistics Act of  
14 1994 (20 U.S.C. 9011) is transferred and redesignated  
15 as section 160 of this Act.

16       (c) NATIONAL ASSESSMENT OF EDUCATIONAL  
17 PROGRESS.—Section 411 of the National Education Sta-  
18 tistics Act of 1994 (20 U.S.C. 9010) is transferred and  
19 redesignated as section 161 of this Act.

20       (d) CLERICAL AMENDMENT.—The table of contents  
21 in section 101 is amended by inserting after the item re-  
22 lated to section 158 the following new items:

“Sec. 159. Confidentiality.

“Sec. 160. National Assessment Governing Board.

“Sec. 161. National Assessment of Educational Progress.”.

1 **SEC. 302. REPEALS.**

2 The following provisions of law are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) in section 1111(c)(2), by striking “section  
18 411(b)(2) of the National Education Statistics Act  
19 of 1994” and inserting “section 161(b)(2) of the  
20 Education Sciences Reform Act of 2002”;

21 (2) in section 1112(b)(1)(F), by striking “sec-  
22 tion 411(b)(2) of the National Education Statistics  
23 Act of 1994” and inserting “section 161(b)(2) of the  
24 Education Sciences Reform Act of 2002”;

1           (3) in section 1501(a)(3), by striking “section  
2           411 of the National Education Statistics Act of  
3           1994” and inserting “section 161 of the Education  
4           Sciences Reform Act of 2002”;

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

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

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

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

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

○