

**Amendment in the Nature of a Substitute
to H.R. 3801
Offered by Mr. Castle**

Strike all after the enacting clause and insert the following:

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

3 SEC. 101. SHORT TITLE.

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

6 SEC. 102. TABLE OF CONTENTS.

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

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

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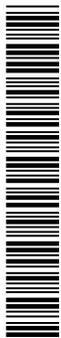
- Sec. 181. Definitions.
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1 **PART A—ACADEMY OF EDUCATION**
 2 **SCIENCES**

3 **SEC. 111. ESTABLISHMENT.**

4 (a) **ESTABLISHMENT.**—There shall be in the Depart-
 5 ment an Academy of Education Sciences (in this title re-
 6 ferred to as the “Academy”), to be administered by a Di-
 7 rector (as provided in section 115) and a board of direc-
 8 tors (as provided in section 117).

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



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

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

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

16 **SEC. 112. ORGANIZATION.**

17 The Academy consists of the following:

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

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

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

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



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

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

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

7 **SEC. 113. FUNCTIONS.**

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

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

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

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

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

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

23 **SEC. 114. DELEGATION.**

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



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

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

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

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

15 (1) the Academy’s priorities, as approved by the
16 Board for Education Sciences (in this title referred
17 to as the “Board”) under section 116; or

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

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

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

24 (b) TERM.—



1 (1) IN GENERAL.—The Director shall serve for
2 a term of 6 years, beginning on the date of con-
3 firmation by the Senate, but may be removed by the
4 President prior to the expiration of that term.

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

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

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

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

24 (e) ADMINISTRATION.—The Director shall—



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

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

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

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

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

14 (3) To coordinate education research and re-
15 lated activities carried out by the Academy with such
16 research and activities carried out by other agencies
17 within the Department and the Federal Government.

18 (4) To advise the Secretary on research, evalua-
19 tion, and statistics activities relevant to the activities
20 of the Department.

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

24 (6) To ensure that all participants in research
25 conducted or supported by the Academy are afforded



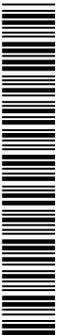
1 their privacy rights and other relevant protections as
2 research subjects, in accordance with section 184 of
3 this title, section 552a of title 5, United States
4 Code, and sections 444 and 445 of the General Edu-
5 cation Provisions Act (20 U.S.C. 1232g, 1232h).

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

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

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

22 (10) To coordinate with the Secretary to pro-
23 mote and provide for the coordination of research
24 and development activities and technical assistance
25 activities between the Academy and the regional gov-



1 erning boards and regional entities described in sec-
2 tion 202 of the Regional Educational Technical As-
3 sistance Act to ensure collaboration and resource
4 sharing and reduce redundancy in such activities.

5 (11) To solicit and consider the recommenda-
6 tions of education stakeholders, in order to ensure
7 that there is broad and regular public and profes-
8 sional input from the educational field in the plan-
9 ning and carrying out of the Academy's activities.

10 (g) EXPERT GUIDANCE AND ASSISTANCE.—The Di-
11 rector may establish technical and scientific peer-review
12 groups and scientific program advisory committees that
13 the Director determines are necessary to carry out the re-
14 quirements of this title. The Director shall appoint such
15 personnel, except that officers and employees of the
16 United States shall comprise no more than one-fourth of
17 the members of any such group and shall not receive addi-
18 tional compensation for their service as members of such
19 a group. The Director shall ensure that reviewers are
20 highly qualified and capable to appraise educational re-
21 search and development projects. The Federal Advisory
22 Committee Act (5 U.S.C. App.) shall not apply to a peer-
23 review group established under this subsection.



1 **SEC. 116. PRIORITIES.**

2 (a) PROPOSAL.—The Director shall propose to the
3 Board (established in section 117) priorities for the Acad-
4 emy identifying topics that may require long-term re-
5 search and topics that are focused on understanding and
6 solving particular education problems and issues, includ-
7 ing those associated with the goals and requirements es-
8 tablished in the Elementary and Secondary Education Act
9 of 1965 (20 U.S.C. 6301 et seq.), such as—

10 (1) closing the achievement gap between high-
11 performing and low-performing children, especially
12 achievement gaps between minority and nonminority
13 children and between disadvantaged children and
14 their more advantaged peers; and

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

18 (b) APPROVAL.—The Board shall approve or dis-
19 approve the priorities for the Academy proposed by the
20 Director, including any necessary revision of those prior-
21 ities. The Board shall transmit any priorities so approved
22 to the appropriate congressional committees.

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

26 (d) PUBLIC AVAILABILITY AND COMMENT.—



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

8 (2) PLAN.—Upon approval of such priorities,
9 the Director shall make the Academy's plan for ad-
10 dressing such priorities available for public comment
11 in the same manner as under subsection (d).

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

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

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

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

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

22 (3) To review and approve procedures for tech-
23 nical and scientific peer review of the activities of
24 the Academy.



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

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

7 (A) the strengthening of education re-
8 search; and

9 (B) the funding of the Academy.

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

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

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

24 (9) To solicit advice and information from those
25 in the educational field, particularly practitioners



1 and researchers, to recommend to the Director top-
2 ics that require long-term, sustained, systematic,
3 programmatic, and integrated research efforts, in-
4 cluding knowledge utilization and dissemination of
5 research, consistent with the priorities and mission
6 of the Academy.

7 (10) To review and advise the Director on op-
8 portunities for the participation in, and the advance-
9 ment of, women, minorities, and persons with dis-
10 abilities in education research, statistics, and evalua-
11 tion activities of the Academy.

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

15 (12) To recommend to the Director individuals
16 to serve as Commissioners of the National Edu-
17 cation Centers.

18 (c) COMPOSITION.—

19 (1) VOTING MEMBERS.—The Board shall have
20 15 voting members appointed by the President, with
21 the advice and consent of the Senate.

22 (2) ADVICE.—The President shall solicit advice
23 on individuals to serve on the Board from the Na-
24 tional Academy of Sciences, the National Science



1 Foundation, and the Office of Science and Tech-
2 nology Policy.

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

6 (A) The Director of the Academy of Edu-
7 cation Sciences.

8 (B) Each of the commissioners of the Na-
9 tional Education Centers.

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

12 (D) The Director of the Census.

13 (E) The Commissioner of Labor Statistics.

14 (F) The Director of the National Science
15 Foundation.

16 (4) APPOINTED MEMBERSHIP.—

17 (A) QUALIFICATIONS.—Members ap-
18 pointed under paragraph (1) shall be highly
19 qualified to appraise educational research, sta-
20 tistics, evaluations, or development, and shall
21 include individuals from each of the following
22 groups:

23 (i) Educators, including classroom
24 teachers, principals, and other school ad-
25 ministrators.



1 (ii) Parents.

2 (iii) Business leaders.

3 (iv) Experts and scientists in re-
4 search, statistics, evaluation or develop-
5 ment, who are recognized in their dis-
6 cipline as highly qualified to represent such
7 discipline.

8 (B) SPECIAL RULE.—A majority of the
9 voting members of the Board must be ap-
10 pointed from the groups described in clauses (i)
11 and (iv) of subparagraph (A).

12 (C) TERMS.—Each member appointed
13 under paragraph (1) shall serve for a term of
14 4 years, except that—

15 (i) the terms of the initial members
16 appointed under such paragraph shall (as
17 determined by a random selection process
18 at the time of appointment) be for stag-
19 gered terms of—

20 (I) 4 years for each of five mem-
21 bers;

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

24 (III) 2 years for each of five
25 members; and



1 (ii) no such member shall serve for
2 more than two consecutive terms.

3 (D) EXTENSION OF SERVICE.—A member
4 of the Board may serve after the expiration of
5 the member's term until a successor has been
6 appointed and confirmed, but for no longer
7 than 1 additional year.

8 (5) CHAIR.—The Board shall elect a chair-
9 person from among the members of the Board.

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

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

21 (8) POWERS OF THE BOARD.—

22 (A) EXECUTIVE DIRECTOR.—The Board
23 shall have an Executive Director who shall be
24 appointed by the Board.



1 (B) ADDITIONAL STAFF.—The Board shall
2 utilize such additional staff as may be ap-
3 pointed or assigned by the Director, in con-
4 sultation with the Chair.

5 (C) DETAIL OF STAFF PERSONNEL.—The
6 Board may arrange for the detail of staff per-
7 sonnel and use the services and facilities of any
8 department or agency of the Federal Govern-
9 ment.

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

13 (E) INFORMATION.—The Board may, to
14 the extent otherwise permitted by law, obtain
15 directly from any executive department or agen-
16 cy of the Federal Government such information
17 as the Board deems necessary to carry out its
18 functions.

19 (9) MEETINGS.—The Board shall meet not less
20 than four times each year. The Board shall hold ad-
21 ditional meetings at the call of the chairperson or
22 upon the written request of at least six voting mem-
23 bers of the Board.

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



1 (d) STANDING COMMITTEES.—

2 (1) ESTABLISHMENT.—The Board may estab-
3 lish standing committees—

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

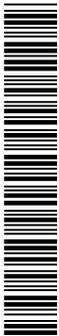
6 (B) to advise, assist, consult with, and
7 make recommendations to the Director and the
8 Commissioner of the appropriate National Edu-
9 cation Centers.

10 (2) MEMBERSHIP.—A majority of the members
11 of each standing committee shall be voting members
12 of the Board whose expertise is needed for the func-
13 tioning of the committee. In addition, the member-
14 ship of each standing committee may include, as
15 appropriate—

16 (A) experts and scientists in research, sta-
17 tistics, evaluation, or development who are rec-
18 ognized in their discipline as highly qualified to
19 represent such discipline who are not members
20 of the Board, but who have been recommended
21 by the Commissioners of each National Edu-
22 cation Center and approved by the Board;

23 (B) ex officio members of the Board; and

24 (C) policymakers and expert practitioners
25 with knowledge of, and experience using, the re-



1 sults of research, evaluation, and statistics who
2 are not members of the Board, but who have
3 been recommended by the Commissioners of
4 each National Education Center and approved
5 by the Board.

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

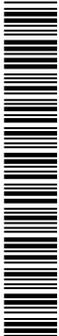
7 (A) at the discretion of the Board or the
8 standing committee, review and comment on
9 any grant, contract, or cooperative agreement
10 entered into (or proposed to be entered into) by
11 the applicable National Education Center;

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

15 (C) review and comment on the relevant
16 plan for activities to be undertaken by the ap-
17 plicable National Education Center for each fis-
18 cal year; and

19 (D) periodically report to the Board re-
20 garding the activities of the committee and the
21 applicable National Education Center.

22 (e) ANNUAL REPORT.—The Board shall submit to
23 the Director, the Secretary, and the appropriate congres-
24 sional committees, not later than July 1 of each year, a
25 report that assesses the effectiveness of the Academy in



1 carrying out its priorities and mission, especially as they
2 relate to carrying out scientifically valid research, con-
3 ducting unbiased evaluations, and collecting and reporting
4 accurate education statistics.

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

14 **SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION**
15 **CENTERS.**

16 (a) APPOINTMENT.—The National Education Cen-
17 ters shall each be headed by a Commissioner appointed
18 by the Director. In appointing Commissioners, the Direc-
19 tor shall seek to promote continuity in leadership of the
20 National Education Centers and shall consider individuals
21 recommended by the Board, acting in consultation with
22 the Director. The Director may appoint a Commissioner
23 to carry out the functions of a National Education Center
24 without regard to the provisions of title 5, United States
25 Code, governing appointments in the competitive service,



1 and the provisions of chapter 51 and subchapter III of
2 chapter 53 of such title relating to classification and Gen-
3 eral Schedule pay rates.

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

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

9 (d) SERVICE AND REMOVAL.—Each Commissioner
10 shall report to the Director and may be removed by the
11 Director. A Commissioner shall serve for a period not to
12 exceed 6 years, unless reappointed by the Director, except
13 that a Commissioner may serve after the expiration of that
14 Commissioner's term, until a successor has been appointed
15 by the Director, for up to 1 additional year.

16 **SEC. 119. OFFICE OF EDUCATIONAL RESOURCES AND DIS-**
17 **SEMINATION.**

18 (a) ESTABLISHMENT.—There is established within
19 the Academy an Office of Educational Resources and Dis-
20 semination.

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

23 (1) disseminate information on scientifically
24 valid research, statistics, and evaluation on edu-
25 cation to the public, the media, voluntary organiza-



1 tions, and other constituencies, especially with re-
2 spect to information relating to, at a minimum—

3 (A) the core academic areas of reading,
4 mathematics, and science;

5 (B) closing the achievement gap between
6 high-performing students and low-performing
7 students;

8 (C) educational practices that improve aca-
9 demic achievement and promote learning; and

10 (D) education technology, including soft-
11 ware;

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

15 (3) make such information accessible in a user-
16 friendly, timely, and efficient manner (including
17 through use of a searchable Internet web-based on-
18 line database) to schools, educators, parents, admin-
19 istrators, policymakers, researchers, public and pri-
20 vate entities, entities responsible for carrying out
21 technical assistance through the Department, and
22 the general public.

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



1 (1) ensure that information disseminated under
2 this section is completed and provided in a cost-ef-
3 fective, nonduplicative manner, including the most
4 current research findings (which may include
5 through the continuation of individual clearing-
6 houses authorized under the Educational Research,
7 Development, Dissemination, and Improvement Act
8 of 1994 (title IX of the Goals 2000: Educate Amer-
9 ica Act; 20 U.S.C. 6001 et seq.) (as such Act existed
10 on the day before the date of enactment of this title)
11 or the clearinghouse authorized under section
12 2102(b) of the Elementary and Secondary Edu-
13 cation Act of 1965 (as such section existed on the
14 day before the date of enactment of the No Child
15 Left Behind Act of 2001 (Public Law 107–110));

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

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

21 (A) the findings that are disseminated; and

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

24 (4) respond, as appropriate, to inquiries from
25 schools, educators, parents, administrators, policy-



1 makers, researchers, public and private entities, and
2 entities responsible for carrying out technical assist-
3 ance.

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

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—



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

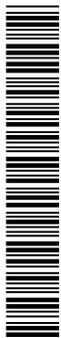
9 (2) to support the synthesis and, as appro-
10 prium, the integration of education research;

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

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

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

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



1 **SEC. 133. DUTIES.**

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

7 (1) IN GENERAL.—In addition to the duties de-
8 scribed in subsection (a), the Research Commis-
9 sioner shall oversee and support the conduct of eval-
10 uative summaries of the education priority areas of
11 each of the research and development centers under
12 section 931(c)(1)(B) of the Education Research, De-
13 velopment, Dissemination, and Improvement Act of
14 1994 (20 U.S.C. 6031(c)(1)(C)) (as such provision
15 existed on the day before the date of enactment of
16 this title) (hereafter in this title referred to as the
17 “national research and development centers”). Such
18 summaries—

19 (A) shall be completed not later than 1
20 year after the date of enactment of this title;
21 and

22 (B) shall be submitted to the Director and
23 the Board to provide assistance on developing
24 and implementing the research plan described
25 in subsection (a)(2).



1 (2) PREVIOUS EVALUATIONS.—In carrying out
2 this subsection, the Research Commissioner may use
3 evaluations and assessments of a national research
4 and development center completed before the date of
5 enactment of this title.

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

8 (1) include a detailed description of the findings
9 of the main research and development activities of
10 the national research and development centers;

11 (2) describe how such findings are consistent
12 with scientifically valid research; and

13 (3) describe the implications of such findings
14 for educational practice and school reform.

15 (e) NATIONAL RESEARCH AND DEVELOPMENT CEN-
16 TERS.—

17 (1) SUPPORT.—In carrying out activities under
18 subsection (a)(3), the Director, acting through the
19 Research Commissioner, shall support national re-
20 search and development centers.

21 (2) SCOPE.—Notwithstanding section 135(b),
22 support for a national research and development
23 center shall be for a period of not more than 5
24 years, shall be of sufficient size and scope to be ef-
25 fective, and may be renewed without competition for



1 not more than 5 additional years if the Director, in
2 consultation with the Research Commissioner and
3 the Board, determines that the research of the na-
4 tional research and development center—

5 (A) continues to address priorities of the
6 Academy; and

7 (B) merits renewal (applying the proce-
8 dures and standards established in section
9 135).

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

14 (4) CONTINUATION OF AWARDS.—The Director,
15 acting through the Research Commissioner, shall
16 continue awards made to the national research and
17 development centers in effect on the day before the
18 date of enactment of this title in accordance with the
19 terms of those awards and may renew them in ac-
20 cordance with paragraphs (2) and (3).

21 **SEC. 134. BIENNIAL REPORT.**

22 The Director shall, on a biennial basis, transmit to
23 the President, the Board, and the appropriate congres-
24 sional committees and make widely available to the public



1 (including by means of the Internet), a report containing
2 the following:

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

6 (2) A detailed summary of each grant, contract,
7 and cooperative agreement in excess of \$100,000
8 funded during the prior fiscal year, including, at a
9 minimum, the amount, duration, recipient, purpose,
10 and goal of the award and its relationship to the pri-
11 orities and mission of the Academy, the reports and
12 publications produced, and an evaluation of the ac-
13 tivities of the Research Center, which shall be avail-
14 able in a user-friendly electronic database.

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

19 (4) Such additional comments, recommenda-
20 tions, and materials as the Director considers appro-
21 priate.

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

24 (a) IN GENERAL.—In carrying out this part, the Di-
25 rector, acting through the Research Commissioner, shall—



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

4 (2) develop such other standards as may be
5 necessary to govern the conduct and evaluation of all
6 research, development, and dissemination activities
7 carried out by the Research Center to assure that
8 such activities meet the highest standards of profes-
9 sional excellence;

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

18 (4) ensure that all research complies with Fed-
19 eral guidelines relating to research misconduct.

20 (b) RESEARCH AWARDS.—

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

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



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

4 (i) for reviewing and evaluating all ap-
5 plications for grants and cooperative agree-
6 ments and bids for contracts that exceed
7 \$100,000; and

8 (ii) for evaluating and assessing the
9 performance of all recipients of grants, co-
10 operative agreements, and contracts.

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

13 (A) develop the procedures to be used in
14 evaluating applications for research grants, co-
15 operative agreements, and contracts and specify
16 the criteria and factors which shall be consid-
17 ered in making such evaluations; and

18 (B) evaluate the performance of each re-
19 cipient of an award of a research grant, con-
20 tract, or cooperative agreement at the conclu-
21 sion of the award.

22 (c) LONG-TERM RESEARCH.—The Director, acting
23 through the Research Commissioner, shall assure that not
24 less than 50 percent of the funds made available for re-
25 search for each fiscal year shall be used to fund long-term



1 research programs of not less than 5 years which support
2 the priorities and mission of the Academy and the mission
3 of the Research Center.

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

6 **SEC. 151. ESTABLISHMENT.**

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

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

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

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

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

19 (A) is objective, secular, neutral, and non-
20 ideological and is free of partisan and political
21 influence and racial, cultural, gender, or re-
22 gional bias; and

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



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

2 The Statistics Center shall be headed by a Commis-
3 sioner for Education Statistics (in this part referred to
4 as the “Statistics Commissioner”) who shall have substan-
5 tial knowledge of statistical methodologies and activities
6 undertaken by the Statistics Center.

7 **SEC. 153. DUTIES.**

8 (a) GENERAL DUTIES.—The duties of the Statistics
9 Center are to collect, report, analyze, and disseminate sta-
10 tistical data related to education in the United States and
11 in other nations, including—

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

18 (A) successful State and local education re-
19 form activities that result in increased academic
20 achievement and narrowing of achievement
21 gaps;

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

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



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

4 (E) teaching, including—

5 (i) data on professional development,
6 including a comparison of courses taken in
7 the core academic areas of reading, math,
8 and science with courses in noncore aca-
9 demic areas; and

10 (ii) the percentage of teachers who are
11 highly qualified (as such term is defined in
12 section 9101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C.
14 7801)) in each State and, where feasible,
15 in each local educational agency and
16 school;

17 (F) instruction, the conditions of the edu-
18 cation workplace, and the supply of, and de-
19 mand for, teachers;

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



1 (i) the relationship between victims
2 and perpetrators;

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

5 (iii) the type of weapons used in inci-
6 dents, as classified in the Uniform Crime
7 Reports of the Federal Bureau of Inves-
8 tigation;

9 (H) the financing and management of edu-
10 cation, including data on revenues and expendi-
11 tures;

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

14 (J) the existence and use of educational
15 technology and access to the Internet in ele-
16 mentary schools and secondary schools;

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

19 (L) the availability of, and access to, be-
20 fore-school and after-school programs (including
21 such programs during school recesses);

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



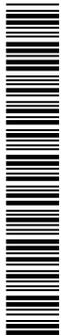
1 (3) collecting, analyzing, cross-tabulating, and
2 reporting, to the extent feasible, information by gen-
3 der, race, ethnicity, socioeconomic status, limited
4 English proficiency, mobility, and disability when
5 such disaggregated information would facilitate edu-
6 cational and policy decisionmaking;

7 (4) assisting public and private educational
8 agencies, organizations, and institutions in improv-
9 ing and automating statistical and data collection
10 activities, which may include assisting State edu-
11 cational agencies and local educational agencies with
12 the disaggregation of data;

13 (5) acquiring and disseminating data on edu-
14 cational activities and student achievement (such as
15 the Third International Math and Science Study) in
16 the United States compared with foreign nations;
17 and

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

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 ties 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 Director, acting through the Statistics Commis-
8 sioner, may award grants, enter into contracts and cooper-
9 ative agreements, and provide technical assistance.

10 (b) GATHERING INFORMATION.—

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

14 (2) SOURCE OF INFORMATION.—The Statistics
15 Commissioner 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 Commissioner
5 may—

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

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

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

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

18 (A) provide technical assistance to the De-
19 partment offices that gather data for statistical
20 purposes; and

21 (B) coordinate with other Department of-
22 fices in the collection of data.

23 **SEC. 155. REPORTS.**

24 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The
25 Statistics Commissioner, in consultation with the Director,



1 shall establish procedures, in accordance with section 187,
2 to ensure that the reports issued under this section are
3 relevant, of high quality, useful to customers, subject to
4 rigorous peer review, produced in a timely fashion, and
5 free from any political influence.

6 (b) REPORT ON CONDITION AND PROGRESS OF EDU-
7 CATION.—Not later than June 1, 2002, and each suc-
8 ceeding June 1 thereafter, the Statistics Commissioner
9 shall, with the approval of the Director, submit to the
10 President and the appropriate congressional committees a
11 statistical report on the condition and progress of edu-
12 cation in the United States.

13 (c) STATISTICAL REPORTS.—The Statistics Commis-
14 sioner shall issue regular and, as necessary (as determined
15 by the Director, acting through the Statistics Commis-
16 sioner), special statistical reports on education topics, par-
17 ticularly in the core academic areas of reading, mathe-
18 matics, and science, consistent with the priorities and mis-
19 sion of the Academy and the mission of the Statistics Cen-
20 ter.

21 **SEC. 156. DISSEMINATION.**

22 (a) GENERAL REQUESTS.—

23 (1) IN GENERAL.—The Statistics Center may
24 furnish transcripts or copies of tables and other sta-
25 tistical records and make special statistical compila-



1 tions and surveys for State and local officials, public
2 and private organizations, and individuals.

3 (2) COMPILATIONS.—The Statistics Center
4 shall provide State and local educational agencies
5 opportunities to suggest the development of par-
6 ticular compilations of statistics, surveys, and anal-
7 yses that would assist those educational agencies.

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

12 (c) JOINT STATISTICAL PROJECTS.—The Statistics
13 Center may engage in joint statistical projects related to
14 the mission of the Center, or other statistical purposes au-
15 thorized by law, with nonprofit organizations or agencies,
16 and the cost of such projects shall be shared equitably.

17 (d) FEES.—

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

23 (2) FUNDS RECEIVED.—All funds received in
24 payment for work or services described in this sub-
25 section may be used to pay directly the costs of such



1 work or services, to repay appropriations that ini-
2 tially bore all or part of such costs, or to refund ex-
3 cess sums when necessary.

4 (e) ACCESS.—

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

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

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

20 The Statistics Center may establish one or more na-
21 tional cooperative education statistics systems for the pur-
22 pose of producing and maintaining, with the cooperation
23 of the States, comparable and uniform information and
24 data on early childhood education, elementary and sec-
25 ondary education, postsecondary education, adult edu-



1 cation, and libraries, that are useful for policymaking at
2 the Federal, State, and local levels.

3 **SEC. 158. STATE DEFINED.**

4 In this part, the term “State” includes each of the
5 50 States, the District of Columbia, and the Common-
6 wealth of Puerto Rico.

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

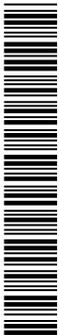
9 **SEC. 171. ESTABLISHMENT.**

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

13 (b) MISSION.—The mission of the Evaluation Center
14 shall be to conduct evaluations of Federal education pro-
15 grams administered by the Secretary (and as time and re-
16 sources allow, other education programs) to determine the
17 impact of such programs, especially on student academic
18 achievement in the core academic areas of reading, math,
19 and science, to support synthesis and dissemination of re-
20 sults of evaluation research and to encourage the use of
21 scientifically valid education evaluation throughout the
22 United States.

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

24 (a) IN GENERAL.—The Evaluation Center shall be
25 headed by a Commissioner for Education Evaluation (in



1 this part referred to as the “Evaluation Commissioner”)
2 who—

3 (1) shall possess a demonstrated capacity for
4 sustained productivity and leadership in education
5 evaluation, and be technically competent in con-
6 ducting scientifically valid education evaluations; and

7 (2) shall oversee all evaluation activities of the
8 Evaluation Center, the development of evaluation
9 methodology, the reporting of findings of evaluations
10 to the public and appropriate congressional commit-
11 tees, and other duties essential to carrying out the
12 mission of the Evaluation Center.

13 (b) GRANTS, CONTRACTS, AND COOPERATIVE
14 AGREEMENTS.—In carrying out the duties under this
15 part, the Evaluation Center, through the Director, may
16 award grants, enter into contracts and cooperative agree-
17 ments, and provide technical assistance.

18 **SEC. 173. DUTIES.**

19 (a) GENERAL DUTIES.—

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

22 (A) conduct or support evaluations con-
23 sistent with the Center’s mission as described in
24 section 171(b);



1 (B) evaluate programs under title I of the
2 Elementary and Secondary Education Act of
3 1965 (20 U.S.C. 6301 et seq.);

4 (C) coordinate the activities of the Evalua-
5 tion Center with other evaluation activities in
6 the Department;

7 (D) submit to the President and the ap-
8 propriate congressional committees a report on
9 the Evaluation Center's evaluation activities on
10 an annual basis; and

11 (E) review and, where feasible, supplement
12 Federal education program evaluations, particu-
13 larly those by the Department, to determine or
14 enhance the quality and relevance of the evi-
15 dence generated by those evaluations.

16 (2) ADDITIONAL REQUIREMENTS.—Each eval-
17 uation conducted by the Evaluation Center pursuant
18 to paragraph (1) shall adhere to the highest possible
19 standards of quality for conducting scientifically
20 valid education evaluation.

21 (b) ADMINISTRATION OF EVALUATIONS UNDER
22 TITLE I OF THE ELEMENTARY AND SECONDARY EDU-
23 CATION ACT OF 1965.—The Director, acting through the
24 Evaluation Commissioner, consistent with the mission of
25 the Evaluation Center under section 171, shall administer



1 all operations and contracts associated with evaluations
2 authorized by part E of title I of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C. 6491 et seq.)
4 and administered by the Department as of the date of en-
5 actment of this title.

6 **PART E—GENERAL PROVISIONS**

7 **SEC. 181. DEFINITIONS.**

8 In this title:

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

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

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

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

21 (3) The term “basic research” means
22 research—

23 (A) to gain fundamental knowledge or un-
24 derstanding of phenomena and observable facts,



1 without specific application toward processes or
2 products; and

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

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

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

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

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

19 (8) The term “dissemination” means the com-
20 munication and transfer of the results of scientif-
21 ically valid research, statistics, and evaluations, in
22 forms that are understandable, easily accessible, and
23 usable, or adaptable for use in, the improvement of
24 educational practice by teachers, administrators, li-
25 brarians, other practitioners, researchers, policy-



1 makers, and the public, through the provision of
2 technical assistance, electronic transfer, and other
3 means.

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

10 (10) The term “institution of higher education”
11 has the meaning given that term in section 101(a)
12 of the Higher Education Act of 1965 (20 U.S.C.
13 1001(a)).

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

16 (i) apply rigorous, systematic, and objec-
17 tive methodology to obtain reliable and valid
18 knowledge relevant to education activities and
19 programs; and

20 (ii) present findings and make claims that
21 are appropriate to and supported by the meth-
22 ods that have been employed.

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



1 (i) employing systematic, empirical meth-
2 ods that draw on observation or experiment;

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

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

7 (iv) making claims of causal relationships
8 only in random assignment experiments or
9 other designs (to the extent such designs sub-
10 stantially eliminate plausible competing expla-
11 nations for the obtained results);

12 (v) ensuring that studies and methods are
13 presented in sufficient detail and clarity to
14 allow for replication or, at a minimum, to offer
15 the opportunity to build systematically on the
16 findings of the research;

17 (vi) obtaining acceptance by a peer-re-
18 viewed journal or approval by a panel of inde-
19 pendent experts through a comparably rigorous,
20 objective, and scientific review; and

21 (vii) using research designs and methods
22 appropriate to the research question posed.

23 (12) The term “scientifically valid education
24 evaluation” means an evaluation that—



1 (A) adheres to the highest possible stand-
2 ards of quality with respect to research design
3 and statistical analysis;

4 (B) provides an adequate description of the
5 programs evaluated and, to the extent possible,
6 examines the relationship between program im-
7 plementation and program impacts;

8 (C) provides an analysis of the results
9 achieved by the program with respect to its pro-
10 jected effects;

11 (D) employs experimental designs using
12 random assignment, when feasible, and other
13 research methodologies that allow for the
14 strongest possible causal inferences when ran-
15 dom assignment is not feasible; and

16 (E) may study program implementation
17 through a combination of scientifically valid and
18 reliable methods.

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



1 (14) The term “Secretary” means the Secretary
2 of Education.

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

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

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

14 (i) improved educational practices and
15 classroom instruction based on scientif-
16 ically valid research; and

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

19 (B) assistance in interpreting, analyzing,
20 and utilizing statistics and evaluations; and

21 (C) other assistance necessary to encour-
22 age the adoption or application of scientifically
23 valid research.



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

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

5 **SEC. 183. PROHIBITIONS.**

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

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

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

26 (d) FEDERALLY SPONSORED TESTING.—



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

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

17 **SEC. 184. CONFIDENTIALITY.**

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



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

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

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

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

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

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

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



1 able by researchers, practitioners, and the general
2 public.

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

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

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

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

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

17 (a) PUBLICATION.—

18 (1) IN GENERAL.—The Academy, including
19 each office, board, committee, and center of the
20 Academy, may prepare, publish, and present (includ-
21 ing through oral presentations) such research-based
22 information and research reports as needed to carry
23 out the priorities and mission of the Academy, with-
24 out clearance or approval for such preparation and



1 publication by the Secretary or any other officer of
2 the Department.

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

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

14 (c) ADVANCE COPIES.—The Academy shall provide
15 the Director and Secretary an advance copy of any infor-
16 mation to be published, at least 30 days before the publi-
17 cation.

18 **SEC. 188. VACANCIES.**

19 Any member appointed to fill a vacancy on the Board
20 occurring before the expiration of the term for which the
21 member's predecessor was appointed shall be appointed
22 only for the remainder of that term. A vacancy in an of-
23 fice, board, committee, or center of the Academy shall be
24 filled in the manner in which the original appointment was



1 made. This section does not apply to employees appointed
2 under section 189.

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

4 (a) APPOINTMENT AND PAY.—

5 (1) IN GENERAL.—The Director may appoint
6 for limited periods of time and fix the pay of certain
7 scientific or technical employees to carry out the
8 functions of the Academy or the office, board, com-
9 mittee, or center, respectively, without regard to the
10 provisions of title 5, United States Code, governing
11 appointments in the competitive service, and the pro-
12 visions of chapter 51 and subchapter III of chapter
13 53 of such title relating to classification and General
14 Schedule pay rates, provided that—

15 (2) PUBLIC NOTICE.—At least 30 days before
16 the appointment of any employee under paragraph
17 (1), the Director shall give public notice of the avail-
18 ability of such position and shall provide an oppor-
19 tunity for qualified individuals to apply and compete
20 for the position.

21 (3) NECESSITY.—The Director may not appoint
22 an employee under this subsection unless the em-
23 ployee is necessary to provide the Academy with sci-
24 entific or technical expertise that could not otherwise
25 be obtained by the Academy through the competitive



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

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

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

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

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

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

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

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



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

6 **SEC. 192. RULEMAKING.**

7 Notwithstanding section 437(d) of the General Edu-
8 cation Provisions Act (20 U.S.C. 1232(d)), the exemption
9 for public property, loans, grants, and benefits in section
10 553(a)(2) of title 5, United States Code, shall apply to
11 the Academy.

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

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

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

24 (2) the lesser of 2 percent of such funds or
25 \$1,000,000 shall be made available to carry out sec-



1 tion 117 (relating to the National Board for Edu-
2 cation Sciences).

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

5 (1) for fiscal year 2003—

6 (A) \$4,600,000 to carry out section 159
7 (relating to the National Assessment Governing
8 Board); and

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

12 (2) such sums as may be necessary for each of
13 the 5 succeeding fiscal years to carry out sections
14 159 and 160.

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

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

20 **SEC. 201. SHORT TITLE.**

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



1 **SEC. 202. REGIONAL RESEARCH AND TECHNICAL ASSIST-**
2 **ANCE.**

3 (a) REGIONAL RESEARCH AND ASSISTANCE.—The
4 Secretary shall—

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

12 (2) in identifying not more than 10 regional
13 areas of the United States to make up such network,
14 utilize the geographic regions established under sec-
15 tion 941(h)(2) of the Education Research, Develop-
16 ment, Dissemination, and Improvement Act of 1994
17 (20 U.S.C. 6041(h)(2)) (as such provision existed on
18 the day before the date of enactment of this title).

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



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

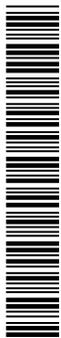
4 (2) Representatives of local educational agen-
5 cies, who shall be selected jointly by the Governors
6 and the chief State school officers in such States
7 represented by such region and shall include rep-
8 resentatives of urban and rural areas.

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

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

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

24 (6) Representatives of business, who shall be se-
25 lected jointly by the Governors and the chief State



1 school officers in such States represented by such re-
2 gion.

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

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

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

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

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



1 (3) be the sole entity that guides and directs
2 entities selected under subsection (f)(1)(A) in car-
3 rying out the provisions of this subsection, satisfying
4 the terms and conditions of their contract awards,
5 and determining the regional agenda and mission of
6 such entities;

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

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

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

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

24 (1) the dissemination of research, information,
25 products, and publications developed through, or



1 supported by, the Department of Education, includ-
2 ing the Academy of Education Sciences, to schools,
3 educators, parents, and policymakers throughout the
4 United States, including, at a minimum, information
5 related to—

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

8 (B) education technology;

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

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.);

18 (B) the implementation of effective
19 schoolwide programs under title I of the Ele-
20 mentary and Secondary Education Act of 1965
21 (20 U.S.C. 6301 et seq.);

22 (C) assistance for the implementation of
23 teaching methods and assessment tools, based
24 upon scientifically valid research in education,
25 for use by students, teachers, and administra-



1 tors, including, at a minimum, assistance re-
2 lated to—

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

5 (ii) education technology;

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

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

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

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

24 (f) AUTHORITY.—



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

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

8 (i) the primary duties of at least one
9 entity shall include those described in sub-
10 sections (e)(1), (e)(2)(C), (e)(2)(D),
11 (e)(2)(E), (e)(3), and (e)(4);

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

16 (iii) at least one of the entities de-
17 scribed in clauses (i) and (ii) shall be a
18 nonprofit entity; and

19 (B) provide grants or enter into contracts
20 or cooperative agreements, each of which shall
21 be on a competitive basis, with organizations or
22 institutions (whether private or public, for-prof-
23 it or nonprofit), State educational agencies,
24 local educational agencies, or institutions of
25 higher education (or consortia of such entities),

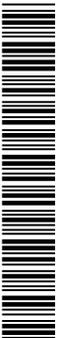


1 or individuals, with the demonstrated ability or
2 capacity to carry out the duties under this sub-
3 section, which may also include entities that
4 carried out activities (before the date of enact-
5 ment of this title) under any of the following
6 provisions of law (or their predecessor provi-
7 sions):

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

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

22 (iii) Part N of such Act (20 U.S.C.
23 6053 et seq.) relating to Technology-Based
24 Technical Assistance (as such part existed



1 on the day before the date of enactment of
2 this title).

3 (iv) Section 931(c)(1)(B) of such Act
4 (20 U.S.C. 6031(c)(1)(B)) relating to na-
5 tional research and development institutes
6 (as such provision existed on the day be-
7 fore the date of enactment of this title).

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

14 (2) OBJECTIVES AND INDICATORS.—Before
15 making a grant under paragraph (1)(B), a regional
16 board shall design specific objectives and measurable
17 indicators to be used to assess the particular pro-
18 gram or initiatives and ongoing progress and per-
19 formance to ensure the needs of the region are being
20 met and that the latest and best research and prov-
21 en practices are being carried out as part of school
22 improvement efforts.

23 (3) PRIORITY.—In carrying out activities under
24 this section, each regional board shall give priority
25 to—



1 (A) schools with high percentages or num-
2 bers of students from low-income families, as
3 determined under section 1113(a)(5) of the Ele-
4 mentary and Secondary Education Act of 1965
5 (20 U.S.C. 6313(a)(5)), including such schools
6 in rural and urban areas, and schools partici-
7 pating in schoolwide programs under title I of
8 the Elementary and Secondary Education Act
9 of 1965 (20 U.S.C. 6301 et seq.); and

10 (B) local educational agencies in which
11 high percentages or numbers of school age chil-
12 dren are from low-income families, as deter-
13 mined under section 1124(c)(1)(A) of the Ele-
14 mentary and Secondary Education Act of 1965
15 (20 U.S.C. 6333(c)(1)(A)), including such local
16 educational agencies in rural and urban areas.

17 (4) OTHER DUTIES.—Each regional board also
18 shall—

19 (A) have the authority to accept gifts, in
20 kind contributions, services, or other assistance
21 to enable expansion and continuous improve-
22 ment of its activities;

23 (B) ensure its activities meet the applicable
24 standards of quality and the needs of the re-
25 gion;



1 (C) establish such governance, organiza-
2 tion, management, administration, and employ
3 such qualified staff as it considers appropriate
4 to carry out its activities;

5 (D) provide services and conduct activities
6 using the highest quality and most cost effective
7 strategies possible; and

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

10 (g) FUNDING.—

11 (1) IN GENERAL.—From funds made available
12 under section 203, the Secretary shall provide each
13 regional board submitting an application under
14 paragraph (2) an amount approximate to the level of
15 funding received by such region or similar region
16 under prior regional assistance programs described
17 under subsection (f)(1)(B), of which not more than
18 10 percent shall be used for indirect costs using gen-
19 erally accepted accounting principles.

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

23 (A) describe how the board will carry out
24 the activities in accordance with this paragraph;



1 (B) provide an assurance that the regional
2 board will give priority in providing services to
3 the schools and local educational agencies de-
4 scribed in subsection (f)(3); and

5 (C) contain such additional information as
6 the Secretary may reasonably require.

7 (h) COORDINATION.—In order to assure coordination
8 and prevent unnecessary duplication of activities among
9 the regions, the Secretary shall establish and maintain a
10 system—

11 (1) to share information about the activities of
12 each region;

13 (2) to plan joint activities that meet the needs
14 of multiple regions;

15 (3) to create a strategic plan for the develop-
16 ment of activities undertaken by the each region to
17 reduce redundancy and increase collaboration and
18 resource-sharing in such activities; and

19 (4) to devise means by which the work of the
20 individual regions serve national, as well as regional
21 education needs.

22 (i) EVALUATION.—The Secretary shall provide for
23 ongoing independent evaluations of the regions in carrying
24 out the duties of this subsection, the results of which shall
25 be transmitted to the appropriate congressional commit-



1 tees and the National Board for Education Sciences (es-
2 tablished under section 117 of the Education Sciences Re-
3 form Act of 2002). Such evaluation shall include an anal-
4 ysis of the services provided under this subsection, the ex-
5 tent to which the region has met the objectives of its plan
6 submitted under subsection (d), and whether such services
7 have met the needs of local educational agencies and
8 schools in the region, including those local educational
9 agencies and schools described under subsection (f)(3).

10 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to carry out
12 this title such sums as may be necessary for fiscal year
13 2003 and for each of the 5 succeeding fiscal years.

14 **SEC. 204. GENERAL PROVISIONS.**

15 Part E of the Education Sciences Reform Act of
16 2002 applies to this title, as appropriate, except that any
17 responsibilities assigned solely to the Director of the Acad-
18 emy of Education Sciences shall be the responsibility of
19 the Secretary.

20 **TITLE III—AMENDATORY**
21 **PROVISIONS**

22 **SEC. 301. REDESIGNATIONS.**

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



1 (1) by striking “Center” and “Commissioner”
2 each place either such term appears and inserting
3 “Director”;

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

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

9 (4) so that paragraph (1) of subsection (b)
10 reads as follows:
11

12 “(1) IN GENERAL.—

13 “(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and
14 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
15 of the Academy to disclose individually identifiable information that has been collected or retained under this title.
16
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21

22 “(B) IMMUNITY.—Individually identifiable
23 information collected or retained under this title
24 shall be immune from legal process and shall
25 not, without the consent of the individual con-



1 cerned, be admitted as evidence or used for any
2 purpose in any action, suit, or other judicial or
3 administrative proceeding.

4 “(C) APPLICATION.—This paragraph does
5 not apply to requests for individually identifi-
6 able information submitted by or on behalf of
7 the individual identified in the information.”;
8 and

9 (5) by striking the section heading and trans-
10 ferring all the subsections (including subsections (a)
11 through (c)) and redesignating such subsections as
12 subsection (c) through (e), respectively, at the end
13 of section 184 of this Act.

14 (b) NATIONAL ASSESSMENT GOVERNING BOARD.—
15 Section 412 of the National Education Statistics Act of
16 1994 (20 U.S.C. 9011) is amended—

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

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

23 (3) by striking “Commissioner” each place such
24 term appears and inserting “Statistics Commis-
25 sioner”;



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

3 (5) in subsection (e)(1)(A), by striking “section
4 411(b)” and inserting “section 160(b)”;

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

7 (7) in subsection (e)(1)(E), by striking “, in-
8 cluding the Advisory Council established under sec-
9 tion 407”;

10 (8) in subsections (e)(1)(F) and (e)(1)(I), strike
11 “section 411” each place such term appears and in-
12 sert “section 160”;

13 (9) in subsection (e)(6), by striking “section
14 411(e)” and inserting “section 160(e)”;

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

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

20 (1) by striking “Commissioner” each place such
21 term appears and inserting “Statistics Commis-
22 sioner”;

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



1 (3) in subsection (a), by striking “section 412”
2 and inserting “section 159”;

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

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

8 (6) in subsection (b)(3)(A)—

9 (A) in clause (i), strike “paragraphs (1)(B)
10 and (1)(E)” and insert “paragraphs (2)(B) and
11 (2)(E)”;

12 (B) in clause (ii), strike “paragraph
13 (1)(C)” and insert “paragraph (2)(C)”;

14 (C) in clause (iii), strike “paragraph
15 (1)(D)” and insert “paragraph (2)(D)”;

16 (7) in subsection (b)(5), strike “(c)(2)” and in-
17 sert “(c)(3)”;

18 (8) in subsection (c)(2)(D), strike “subpara-
19 graph (B)” and insert “subparagraph (C)”;

20 (9) in subsection (e)(4), strike “subparagraph
21 (2)(C)” and insert “paragraph (2)(C) of such sub-
22 section”;

23 (10) in subsection (f)(1)(B)(iv), strike “section
24 412(e)(4)” and insert “section 159(e)(4)”;



1 (11) by transferring and redesignating the sec-
2 tion as section 160 of this Act.

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

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

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

16 (3) by transferring and redesignating section
17 995 as section 193 of this Act; and

18 (4) by striking the part heading.

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

21 (1) by inserting after the item related to section
22 158 the following new items:

“Sec. 159. National Assessment Governing Board.

“Sec. 160. National Assessment of Educational Progress.”; and



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

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

3 **SEC. 302. AMENDMENTS TO DEPARTMENT OF EDUCATION**
4 **ORGANIZATION ACT.**

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

7 (1) Paragraph (4) of section 202(b) (20 U.S.C.
8 3412(b)) is amended to read as follows:

9 “(4) There shall be in the Department a Director of
10 the Academy of Education Sciences who shall be ap-
11 pointed in accordance with section 115(a) of the Edu-
12 cation Sciences Reform Act of 2002 and perform the du-
13 ties described in that Act.”.

14 (2) Section 208 (20 U.S.C. 3419) is amended
15 to read as follows:

16 “ACADEMY OF EDUCATION SCIENCES
17 “SEC. 208. There shall be in the Department of Edu-
18 cation an Academy of Education Sciences, which shall be
19 administered in accordance with the Education Sciences
20 Reform Act of 2002 by the Director appointed under sec-
21 tion 115(a) of that Act.”.



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

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

4 **SEC. 303. REPEALS.**

5 The following provisions of law are repealed:

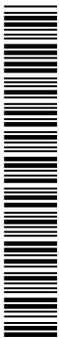
6 (1) The National Education Statistics Act of
7 1994 (title IV of the Improving America’s Schools
8 Act of 1994; 20 U.S.C. 9001 et seq.).

9 (2) Parts A through E and K through N of the
10 Educational Research, Development, Dissemination,
11 and Improvement Act of 1994 (title IX of the Goals
12 2000: Educate America Act) (20 U.S.C. 6051 et
13 seq.).

14 (3) Paragraph (2) of section 401(b) of the De-
15 partment of Education Organization Act (20 U.S.C.
16 3461(b)(2)).

17 **SEC. 304. CONFORMING AND TECHNICAL AMENDMENTS.**

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



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

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

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



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

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

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

13 (e) 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. 305. EFFECTIVE DATE.**

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

