

106TH CONGRESS
2D SESSION

H. R. 4875

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

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2000

Mr. CASTLE (for himself, Mr. GOODLING, Mr. BALLENGER, Mr. BOEHNER,
Mr. DEMINT, and Mr. ISAKSON) introduced the following bill; which was
referred to the Committee on Education and the Workforce

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Scientifically Based Education Research, Statistics,
6 Evaluation, and Information Act of 2000”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Academy authorization of appropriations.

TITLE I—NATIONAL ACADEMY FOR EDUCATION RESEARCH,
STATISTICS, EVALUATION, AND INFORMATION

- Sec. 101. National Academy for Education Research, Statistics, Evaluation, and Information.
 Sec. 102. National Board for Education Research, Statistics, Evaluation, and Information.
 Sec. 103. National Education Library and Clearinghouse Office.

TITLE II—NATIONAL CENTERS FOR EDUCATION RESEARCH,
EVALUATION, AND STATISTICS; NATIONAL ASSESSMENT GOV-
ERNING BOARD

Subtitle A—National Centers for Education Research, Evaluation, and
Statistics

CHAPTER 1—NATIONAL CENTER FOR EDUCATION RESEARCH

- Sec. 201. Declaration of policy.
 Sec. 202. Establishment.
 Sec. 203. Commissioner; senior scientist; staff.
 Sec. 204. Duties.
 Sec. 205. Committee on Education Research.
 Sec. 206. Report.
 Sec. 207. Authority to publish.
 Sec. 208. Standards for conduct and evaluation of research.

CHAPTER 2—NATIONAL CENTER FOR PROGRAM EVALUATION

- Sec. 211. Establishment.
 Sec. 212. Commissioner; staff.
 Sec. 213. Duties.
 Sec. 214. Independent review panels.

CHAPTER 3—NATIONAL CENTER FOR EDUCATION STATISTICS

- Sec. 221. Short title.
 Sec. 222. Findings; purpose.
 Sec. 223. Establishment.
 Sec. 224. Commissioner; deputy commissioner and associate commissioners;
staff.
 Sec. 225. Duties.
 Sec. 226. Performance of duties.
 Sec. 227. Reports.
 Sec. 228. Advisory Council for Education Statistics.
 Sec. 229. Confidentiality.
 Sec. 230. Dissemination.
 Sec. 231. Cooperative education statistics systems.

Subtitle B—National Assessment Governing Board and National Assessment
of Educational Progress

CHAPTER 1—NATIONAL ASSESSMENT GOVERNING BOARD

- Sec. 251. National Assessment Governing Board.
 Sec. 252. National Assessment of Educational Progress.
 Sec. 253. Prohibition on federally sponsored testing.

TITLE III—ACTIVITIES WITHIN THE DEPARTMENT OF
EDUCATION

Sec. 301. Office of Planning, Performance Management, and Technical Assistance.

Sec. 302. Authorization of appropriations.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Transition provisions.

Sec. 402. Repeals.

1 SEC. 2. DEFINITIONS.

2 Except as otherwise provided in this Act, in this Act:

3 (1) **SCIENTIFICALLY VALID RESEARCH.**—The
4 term “scientifically valid research” includes applied
5 research, basic research, and field-initiated research
6 whose rationale, design, and interpretation is sound-
7 ly developed in terms of established scientific re-
8 search and that is conducted in accordance with sci-
9 entifically based quantitative research standards and
10 qualitative research standards as defined in this Act.

11 (2) **BASIC RESEARCH.**—The term “basic
12 research”—

13 (A) means research to gain fundamental
14 knowledge or understanding of phenomena and
15 observable facts without specific application to-
16 ward processes or products; and

17 (B) includes original investigations for the
18 advancement of scientific knowledge in the field
19 of education.

1 (3) APPLIED RESEARCH.—The term “applied
2 research” means research to gain knowledge or un-
3 derstanding necessary for determining the means by
4 which a recognized and specific need may be met
5 and is specifically directed to discovery of new sci-
6 entific knowledge which has as its specific objective
7 the improvement of basic academic skills.

8 (4) FIELD-INITIATED RESEARCH.—The term
9 “field-initiated research” means basic research or
10 applied research in which topics and methods of
11 study are generated by investigators, including
12 teachers and other practitioners, and which conform
13 to scientifically valid research.

14 (5) SCIENTIFICALLY BASED QUANTITATIVE RE-
15 SEARCH STANDARDS.—The term “scientifically
16 based quantitative research standards”—

17 (A) means the application of rigorous, sys-
18 temic, and objective procedures to obtain valid
19 knowledge relevant to education activities and
20 programs; and

21 (B) includes research that—

22 (i) employs systematic, empirical
23 methods that draw on observation or ex-
24 periment;

1 (ii) involves rigorous data analyses
2 that are adequate to test the stated
3 hypotheses and justify the general conclu-
4 sions drawn;

5 (iii) relies on measurements or obser-
6 vational methods that provide valid data
7 across evaluators and observers and across
8 multiple measurements and observations
9 and across studies by the same or different
10 investigators;

11 (iv) is evaluated using experimental
12 designs in which individuals, entities, pro-
13 grams, or activities are assigned to dif-
14 ferent conditions with appropriate controls
15 to evaluate the effects of the condition of
16 interest through random assignment ex-
17 periments, or other designs to the extent
18 such designs contain within-condition or
19 across-condition controls;

20 (v) ensure experimental studies are
21 presented in sufficient detail and clarity to
22 allow for replication, or at a minimum
23 offer the opportunity to build systemati-
24 cally on its findings; and

1 (vi) has been accepted by a peer-re-
2 viewed journal or approved by a panel of
3 independent experts through a comparably
4 rigorous, objective, and scientific review.

5 (6) SCIENTIFICALLY BASED QUALITATIVE RE-
6 SEARCH STANDARDS.—The term “scientifically
7 based qualitative research standards”—

8 (A) means the systematic collection and
9 analysis of data often associated with traditions
10 of inquiry historically based in the humanities,
11 such as narrative analysis; and

12 (B) includes research that—

13 (i) uses some combination of partici-
14 pant observation, in-depth interviewing and
15 document collection;

16 (ii) is intended to explore issues and
17 hypotheses whose underlying dynamics and
18 factors are not sufficiently well refined, un-
19 derstood, or amenable to experimental con-
20 trol to permit adequate study through
21 quantitative research.

22 (iii) may include case studies,
23 ethnographies, life histories, multi-site case
24 studies, and participatory action research;

1 (iv) uses approaches to assess the ex-
2 perimental knowledge acquired to assure
3 that the findings are scientifically valid
4 and replicable; and

5 (v) has been accepted by a peer-review
6 journal or approved by a panel of inde-
7 pendent experts through a comparably rig-
8 orous, objective, and scientific review.

9 (7) SOUND PROGRAM EVALUATION.—The term
10 “sound program evaluation”—

11 (A) means program evaluation that—

12 (i) adheres to the highest possible
13 standards of quality with respect to re-
14 search design, statistical analysis and the
15 dissemination of findings;

16 (ii) provides an adequate under-
17 standing of the programs being evaluated,
18 and examine program implementation, pro-
19 gram impacts and the relationships be-
20 tween these factors;

21 (iii) provides impact estimates that
22 truly reflect what was caused by the pro-
23 gram;

24 (iv) produces or leads to findings that
25 are broadly generalizable; and

1 (v) uses valid and reliable measures to
2 document program implementation and im-
3 pacts;

4 (B) includes only those program evalua-
5 tions that—

6 (i) use qualitative and quantitative
7 methodologies that are judged by the social
8 science and evaluation research commu-
9 nities to be of the highest quality.;

10 (ii) in order to study program impacts
11 use, whenever possible, some form of a
12 classical experimental design with random
13 assignment, in order;

14 (iii) when experimental designs are
15 not feasible in order to study program im-
16 pacts, use the strongest possible quasi-ex-
17 perimental alternative, basing it on longi-
18 tudinal data; and

19 (iv) in order to study program imple-
20 mentation, use a combination of qualitative
21 and quantitative methods.

22 (8) DEVELOPMENT.—The term “development”
23 is the systematic use of knowledge or understanding
24 gained from the findings of basic research and ap-
25 plied research that may prove useful in the prepara-

1 tion of materials, new methods of instruction and
2 practices in teaching, which may lead to the im-
3 provement of the academic skills of students, and
4 that are replicable in different educational settings.

5 (9) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means the Committee on Education and
8 the Workforce of the House of Representatives and
9 the Committee on Health, Education, Labor, and
10 Pensions of the Senate.

11 (10) BOARD.—Except as provided in subtitle B
12 of title II or title III, the term “Board” means the
13 National Board for Education Research, Statistics,
14 Evaluation, and Information.

15 (11) DEPARTMENT.—The term “Department”
16 means the Department of Education.

17 (12) DIRECTOR.—Except as provided in title
18 III of this Act, the term “Director” means the Di-
19 rector of the National Academy for Education Re-
20 search, Evaluation, Statistics, and Information ap-
21 pointed under section 101 of this Act.

22 (13) DISSEMINATION.—The term “dissemina-
23 tion” means the communication and transfer,
24 through the provision of technical assistance, elec-
25 tronic transfer, and other means, of the results of

1 scientifically valid research, in forms that are under-
2 standable, easily accessible and usable or adaptable
3 for use in the improvement of educational practice
4 by teachers, administrators, librarians, other practi-
5 tioners, researchers, policymakers, and the public.

6 (14) ACADEMY.—The term “Academy” means
7 the National Academy for Education Research, Sta-
8 tistics, Evaluation, and Information established by
9 section 101 of this Act.

10 (15) INSTITUTION OF HIGHER EDUCATION.—
11 The term “institution of higher education” has the
12 same meaning given such term in section 101(a) of
13 the Higher Education Act of 1965 (20 U.S.C.
14 1001(a)).

15 (16) LOCAL EDUCATIONAL AGENCY.—The term
16 “local educational agency” has the same meaning
17 given such term in section 14101(18) of the Elemen-
18 tary and Secondary Education Act of 1965 (20
19 U.S.C 8801(18)).

20 (17) STATE; UNITED STATES.—The terms
21 “State” and “United States”—

22 (A) except as provided in subparagraph
23 (B), mean each of the 50 States, the District
24 of Columbia, the Commonwealth of Puerto
25 Rico, Guam, American Samoa, the Virgin Is-

1 lands, and the Commonwealth of the Northern
2 Mariana Islands; and

3 (B) for purposes of chapter 3 of subtitle A
4 of title II of this Act, mean each of the 50
5 States, the District of Columbia, and the Com-
6 monwealth of Puerto Rico.

7 (18) STATE EDUCATIONAL AGENCY.—The term
8 “State educational agency” has the same meaning
9 given such term in section 14101(28) of the Elemen-
10 tary and Secondary Education Act of 1965 (20
11 U.S.C. 8801(28)).

12 (19) TECHNICAL ASSISTANCE.—The term
13 “technical assistance” means assistance in identi-
14 fying, selecting, or designing solutions based on
15 standards scientifically valid research, or applied re-
16 search to address educational problems, planning,
17 and design that leads to adapting such knowledge to
18 school practice, training to implement such solu-
19 tions, and other assistance necessary to encourage
20 adoption or application of such research.

21 **SEC. 3. ACADEMY AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law, the greater of 0.75 percent or \$276,485,000
24 of the amount available to carry out discretionary pro-
25 grams for the Department of Education, for each of the

1 fiscal years 2002 through 2006, shall be made available
2 to carry out titles I and II for each such fiscal year, of
3 which—

4 (1) 14 percent, but no less than \$39,000,000,
5 shall be made available for the Director to carry out
6 title I, except for section 103;

7 (2) 8 percent, but no less than \$22,800,000,
8 shall be made available to carry out section 103 of
9 title I;

10 (3) 31 percent, but no less than \$84,800,000,
11 shall be made available to the Commissioner of Re-
12 search to carry out chapter I of title II;

13 (4) 8 percent, but no less than \$21,900,000
14 shall be made available to the Commissioner of Eval-
15 uation to carry out chapter 2 of title II;

16 (5) 25 percent, but no less than \$40,000,000,
17 shall be made available to the Commissioner of Sta-
18 tistics to carry out chapter 3 of title II;

19 (6) 1 percent, but no less than \$4,000,000,
20 shall be made available to the National Assessment
21 Governing Board to carry out section 251 of subtitle
22 B of title II; and

23 (7) 13 percent, but no less than \$36,000,000,
24 shall be made available to the National Assessment
25 Governing Board to carry out the National Assess-

1 ment for Educational Progress in section 252 of
2 subtitle B of title II.

3 (b) AVAILABILITY.—Amounts made available under
4 subsection (a) shall remain available until expended.

5 **TITLE I—NATIONAL ACADEMY**
6 **FOR EDUCATION RESEARCH,**
7 **STATISTICS, EVALUATION,**
8 **AND INFORMATION**

9 **SEC. 101. NATIONAL ACADEMY FOR EDUCATION RE-**
10 **SEARCH, STATISTICS, EVALUATION, AND IN-**
11 **FORMATION.**

12 (a) ESTABLISHMENT.—There is established in the ex-
13 ecutive branch an independent agency to be known as the
14 National Academy for Education Research, Statistics,
15 Evaluation, and Information. The Academy shall have a
16 board of directors and shall be administered in accordance
17 with the provisions of this Act under the supervision and
18 direction of a Director.

19 (b) MISSION.—The Academy is charged by Congress
20 to ensure all research, evaluation, statistics, and dissemi-
21 nation activities supported by Federal funds through the
22 Academy conform to high standards of quality, integrity,
23 and accuracy, and are free from ideological agendas and
24 undue political influence, in order to provide parents, edu-
25 cators, students, researchers, policymakers, and the gen-

1 eral public, with reliable information about the condition
2 and progress of education in the United States, edu-
3 cational practices that improve academic achievement, and
4 the effectiveness of Federal education programs.

5 (c) DIRECTOR.—The Director of the Academy shall
6 be appointed by the President, by and with the advice and
7 consent of the Senate, and shall serve for a term of six
8 years, beginning on the date of appointment.

9 (d) QUALIFICATIONS.—The Director shall be selected
10 from individuals who are highly qualified authorities in the
11 fields of research, statistics, evaluation methodology, edu-
12 cation, as well as management within such areas, and has
13 a demonstrated capacity for sustained productivity and
14 leadership in these areas.

15 (e) PERSONNEL.—Consistent with title 5, United
16 States Code, the Director may appoint and fix the pay
17 of such staff as the Director determines to be necessary
18 to carry out the functions of the Academy which may in-
19 clude, as reasonably required by the Director, the hiring
20 of certain scientific or technical employees for limited peri-
21 ods of time, without regard to the provisions of title 5,
22 United States Code, governing appointment in the com-
23 petitive service, and the provisions of chapter 51 and sub-
24 chapter III of chapter 53 of such title relating to classi-
25 fication and General Schedule pay rates.

1 (f) RESPONSIBILITIES OF DIRECTOR.—It shall be the
2 responsibility of the Director to—

3 (1) approve the broad policy and agenda of the
4 Academy, including, the general areas of research to
5 be carried out by the National Center of Education
6 Research, as developed by the Board pursuant to
7 section 102(b);

8 (2) oversee and coordinate, as appropriate, the
9 activities carried out under the Academy;

10 (3) ensure the methodology applied in con-
11 ducting research, evaluation, and statistical analysis
12 is consistent with the relevant standards and defini-
13 tions of such activities under this Act;

14 (4) oversee and delegate to the appropriate
15 Center large-scale development activities;

16 (5) determine which, if any, additional program
17 evaluations shall be conducted by the Center for
18 Program Evaluation, in addition to those specified
19 under section 213;

20 (6) coordinate evaluation activities of this title
21 with the Secretary of Education;

22 (7) oversee dissemination activities of the Acad-
23 emy;

24 (8) appoint members of the boards and commit-
25 tees within the Academy in accordance with this Act

1 with the exception of the Board appointed under sec-
2 tion 102;

3 (9) oversee the orderly transition of activities
4 from the Department of Education to the Academy;
5 and

6 (10) carry out other activities pursuant to this
7 Act.

8 (g) INTERAGENCY ACCESS.—The Director of the
9 Academy shall coordinate with the Secretary of Education
10 to ensure that the Department of Education and each of
11 the Centers within the Academy use common sources of
12 data in standardized formats. To the extent possible such
13 program data should be maintained and updated in a loca-
14 tion accessible to the Department and each such Center
15 within the Academy.

16 (h) PUBLIC ACCESS.—The Director shall ensure that
17 the Commissioner of each Center establishes and main-
18 tains a regular schedule of data releases for all of the in-
19 formation it collects in order to carry out the missions of
20 the Centers. Data collected for statistical, research, and
21 evaluation purposes shall be archived in electronic format
22 and made accessible to the public in a timely fashion.

23 (i) CONFIDENTIALITY.—All collection, maintenance,
24 use, and dissemination of data by the Academy shall con-
25 form with the requirements of the Privacy Act of 1974

1 and the confidentiality requirements under section 229 of
2 this Act.

3 (j) NO REVIEW.—No report issued by the Academy
4 shall be subject to review by any other Federal office or
5 agency.

6 **SEC. 102. NATIONAL BOARD FOR EDUCATION RESEARCH,**
7 **STATISTICS, EVALUATION, AND INFORMA-**
8 **TION.**

9 (a) IN GENERAL.—The board of directors of the
10 Academy shall be known as the “National Board for Edu-
11 cation Research, Statistics, Evaluation, and Information”.

12 (b) GENERAL FUNCTIONS.—The responsibility of the
13 Board shall be to—

14 (1) develop a proposal, for submission to the
15 Director, of broad policy and an agenda of the Acad-
16 emy, including, the general areas of research to be
17 carried out by the National Center for Education
18 Research established under section 202(a);

19 (2) review and regularly evaluate the work of
20 the Academy to ensure that research, evaluation,
21 and statistical analysis is consistent with standards
22 and definitions of such activities under this Act;

23 (3) ensure activities carried out under the
24 Academy are not subject to partisan or political in-
25 fluence; and

1 (4) provide advice and expertise to the Director
2 on general policies with respect to the duties of the
3 Academy; and

4 (5) carry out other duties and responsibilities
5 pursuant to this Act.

6 (c) COMPOSITION OF BOARD.—

7 (1) VOTING MEMBERS.—The Board shall be
8 composed of 19 voting members of whom—

9 (A) 1 member shall be the Commissioner
10 for Education Research appointed under section
11 203(a);

12 (B) 1 member shall be the Commissioner
13 for Program Evaluation appointed under sec-
14 tion 212(a);

15 (C) 1 member shall be the Commissioner
16 for Education Statistics appointed under sec-
17 tion 224(a);

18 (D) 1 member shall be the Secretary of
19 Education;

20 (E) 1 member shall be the Director of the
21 National Institute of Child Health and Human
22 Development;

23 (F) 1 member shall be the Director of the
24 Census;

1 (G) 1 member shall be the Commissioner
2 of Labor Statistics;

3 (H) 1 member shall be the President of the
4 National Academy of Sciences;

5 (I) 3 members shall be appointed by the
6 President;

7 (J) 4 members shall be appointed by the
8 Speaker of the House, 2 such members shall be
9 selected from recommendations made by the
10 majority leader of the House and 2 such mem-
11 bers shall be selected from recommendations
12 made by the minority leader of the House; and

13 (K) 4 members shall be appointed by the
14 President pro tempore of the Senate, of whom
15 2 such members shall be selected from rec-
16 ommendations made by the majority leader of
17 the Senate and 2 such members shall be se-
18 lected from recommendations made by the mi-
19 nority leader of the Senate.

20 (2) APPOINTED MEMBERSHIP.—Individuals ap-
21 pointed under subparagraphs (I), (J), and (K) of
22 paragraph (1), shall include individuals from each of
23 the following groups—

24 (A) educators, including classroom teach-
25 ers, principals, and other school administrators;

1 (B) parents;

2 (C) business leaders; and

3 (D) researchers.

4 (3) TERMS.—Members of the Board appointed
5 under subparagraphs (I), (J), and (K) of paragraph
6 (1), shall, as designated by a random selection pro-
7 cess at the time of appointment, be as follows:

8 (A) 5 years for each of 4 members of the
9 Board;

10 (B) 4 years for each of 4 members of the
11 Board; and

12 (C) 3 years for each of 3 members of the
13 Board.

14 (4) VACANCIES.—Any vacancy in the Board
15 shall not affect its powers, but shall be filled in the
16 same manner as the original appointment.

17 (5) CHAIRPERSON.—The Board shall annually
18 elect a Chairperson from among the members of the
19 Board.

20 (6) COMPENSATION.—Except as provided in the
21 following sentence, members of the Board shall serve
22 without pay. Members of the Board who are officers
23 or employees of the United States may not receive
24 additional pay, allowances, or benefits by reason of
25 their service on the Board.

1 (7) TRAVEL EXPENSES.—The members of the
2 Board shall receive travel expenses, including per
3 diem in lieu of subsistence, in accordance with sub-
4 chapter I of chapter 57 of title 5, United States
5 Code.

6 (8) EXECUTIVE DIRECTOR AND STAFF.—

7 (A) IN GENERAL—The Board shall have
8 an Executive Director who shall be appointed
9 by the Board.

10 (B) STAFF.—Consistent with title 5,
11 United States Code, the Executive Director
12 may appoint and fix the pay of such staff as
13 the Executive Director determines to be nec-
14 essary to carry out the functions of the Board
15 which may include, as reasonably required by
16 the Executive Director, the hiring of certain sci-
17 entific or technical employees for limited peri-
18 ods of time, without regard to the provisions of
19 title 5, United States Code, governing appoint-
20 ment in the competitive service, and the provi-
21 sions of chapter 51 and subchapter III of chap-
22 ter 53 of such title relating to classification and
23 General Schedule pay rates.

24 (9) MEETINGS.—The Board shall meet not less
25 than 4 times each year. The Board shall hold addi-

1 tional meetings at the call of the Chairperson of the
2 Board or upon the request in writing of 6 members
3 of the Board.

4 (10) QUORUM.—A majority of the members of
5 the Board shall constitute a quorum.

6 **SEC. 103. NATIONAL EDUCATION LIBRARY AND CLEARING-**
7 **HOUSE OFFICE.**

8 (a) ESTABLISHMENT.—There is established, within
9 the Academy a National Education Library and Clearing-
10 house Office (in this section referred to as the “Library”)
11 which shall be headed by a Deputy Director appointed by
12 the Director.

13 (b) GENERAL DUTIES.—The duties of the Library
14 shall be to collect, assess, and archive all products and
15 publications developed through or supported by the Acad-
16 emy, as well as other relevant and useful educational re-
17 lated research information, projects, and publications de-
18 veloped by the Department of Education, other Federal
19 agencies, or other entities, and make such information ac-
20 cessible in a user-friendly, timely, and efficient manner,
21 including through the Internet, to schools, educators, par-
22 ents, administrators, policymakers, entities responsible for
23 carrying out technical assistance through the Department
24 of Education, and the general public.

1 (c) ADDITIONAL REQUIREMENTS.—In carrying out
2 the duties under subsection (b), the Deputy Director
3 shall—

4 (1) ensure that information disseminated under
5 this section is completed in a cost-effective, non-
6 duplicative manner which may be through the estab-
7 lishment or continuation of individual clearing-
8 houses, to the extent determined appropriate by the
9 Deputy Director; and

10 (2) ensure that all information disseminated re-
11 flects the best information available from research
12 and practice which, at a minimum, shall include in-
13 formation in the core academic areas, including
14 reading, writing, mathematics, and science.

1 **TITLE II—NATIONAL CENTERS**
2 **FOR EDUCATION RESEARCH,**
3 **EVALUATION, AND STATIS-**
4 **TICS; NATIONAL ASSESSMENT**
5 **GOVERNING BOARD**

6 **Subtitle A—National Centers for**
7 **Education Research, Evalua-**
8 **tion, and Statistics**

9 **CHAPTER 1—NATIONAL CENTER FOR**
10 **EDUCATION RESEARCH**

11 **SEC. 201. DECLARATION OF POLICY.**

12 The Congress declares the following:

13 (1) It is the policy of the United States that
14 education is the primary responsibility of the States
15 and the people.

16 (2) The role of the Federal Government is to
17 supplement education efforts at the State and the
18 local levels, especially in areas where students are
19 most disadvantaged.

20 (3) In particular, the Federal Government has
21 a responsibility to conduct scientifically valid re-
22 search that will benefit public education generally.

23 (4) Education research must be conducted with
24 a minimum of political influence and with utmost in-
25 tegrity and free from ideological agendas.

1 **SEC. 202. ESTABLISHMENT.**

2 (a) ESTABLISHMENT—There is established, within
3 the National Academy for Education Research, Evalua-
4 tion, Statistics, and Information established under title I
5 of this Act, a National Center for Education Research
6 (hereafter in this chapter referred to as the “Center”).

7 (b) MISSION—The mission of the Center shall be to
8 provide national leadership in—

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

13 (2) using accepted practices of scientific inquiry
14 to obtain knowledge, comprehension or under-
15 standing of the truth of a particular educational the-
16 ory, practice or condition; and

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

20 **SEC. 203. COMMISSIONER; SENIOR SCIENTIST; STAFF.**

21 (a) COMMISSIONER.—The Center shall be headed by
22 a Commissioner of Education Research (hereafter in this
23 chapter referred to as the “Commissioner”) who shall be
24 appointed by the President and who—

25 (1) shall have substantial knowledge of pro-
26 grams assisted by the Center, including a high level

1 of expertise in the field of research and research
2 management;

3 (2) shall be paid in accordance with section
4 5315 of title 5, United States Code; and

5 (3) shall serve a term of six years, with the
6 terms to expire every sixth July 1, beginning in
7 2001.

8 (b) SENIOR SCIENTIST.—The Commissioner shall ap-
9 point a Senior Scientist to serve as the senior research
10 expert in the Center to advise the Commissioner and staff
11 of the Center on—

12 (1) scientific and technical standards to govern
13 the activities of the Center and the research it sup-
14 ports;

15 (2) the planning and design of programs of re-
16 search to be supported by the Center;

17 (3) the quality and rigor of research supported
18 by the Center; and

19 (4) other matters related to ensuring high qual-
20 ity in the activities of the Center.

21 (c) STAFF.—Consistent with title 5, United States
22 Code, the Commissioner may appoint and fix the pay of
23 such staff as the Commissioner determines to be necessary
24 to carry out the functions of the Center which may in-
25 clude, as reasonably required by the Commissioner, the

1 hiring of certain scientific or technical employees for lim-
2 ited periods of time, without regard to the provisions of
3 title 5, United States Code, governing appointment in the
4 competitive service, and the provisions of chapter 51 and
5 subchapter III of chapter 53 of such title relating to classi-
6 fication and General Schedule pay rates.

7 **SEC. 204. DUTIES.**

8 (a) **GENERAL DUTIES**—The duties of the Commis-
9 sioner are—

10 (1) to maintain published peer review standards
11 and standards for the conduct and evaluation of all
12 research, development, and dissemination carried out
13 under the auspices of the Center pursuant to the
14 provisions of this chapter;

15 (2) to approve and carry out the specific long-
16 term priorities as developed by the Committee for
17 Education Research established under section 205
18 based upon the general priorities set forth by the
19 National Academy for Education Research, Evalua-
20 tion, Statistics, and Information;

21 (3) to develop a research plan, based upon the
22 priorities described in paragraph (2), which shall be
23 carried out pursuant to paragraph (4), and as
24 deemed appropriate by the Commissioner, be up-
25 dated and modified to reflect findings from the eval-

1 uative summaries conducted under subsection (b),
2 the Regional Board Reports described under 208 of
3 the Department of Education Organization Act (20
4 U.S.C. 3419) (as amended by section 301 of this
5 Act), and other appropriate information;

6 (4) to enter into contracts, grants, or coopera-
7 tive agreements in accordance with section 208(b),
8 at an amount and for a length of time determined
9 to be appropriate by the Commissioner, with eligible
10 research grantees, to carry out scientifically valid re-
11 search that—

12 (A) is performance-based and subject to
13 objective and measurable indicators, including
14 timelines, that are used to assess the progress
15 and performance of such research;

16 (B) meets the standards of research and
17 peer review described in section 208(a); and

18 (C) includes both basic research and ap-
19 plied research and which shall include research
20 conducted through field-initiated studies and
21 which may include ongoing research initiatives
22 that may be conducted through research and
23 development centers;

24 (5) to promote the coordination of scientifically
25 valid research within the Federal Government, and

1 otherwise assist and foster such research, including
2 through active participation in interagency research
3 initiatives;

4 (6) to ensure research conducted by the Center
5 is applicable to education practice and policy;

6 (7) to synthesize and disseminate, in coordina-
7 tion with the National Education Library and Clear-
8 inghouse Office, the findings and results of edu-
9 cation research conducted or supported by the Cen-
10 ter; and

11 (8) to prepare and submit an annual report, as
12 described in section 206, which shall, along with the
13 research priorities, be made available to the public
14 through such means as the Internet.

15 (b) EVALUATIVE SUMMARIES OF RESEARCH PRIOR-
16 ITIES.—In addition to the duties described in subsection
17 (a), the Center shall also oversee and support the conduct
18 of an evaluative summary of the primary education pri-
19 ority areas of each of the National Research and Develop-
20 ment Centers described in subsection (e), which—

21 (1) to the extent determined appropriate by the
22 Commissioner, shall be carried out through national
23 research and development centers;

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

1 (3) shall be submitted to the Commissioner and
2 the Committee on Educational Research established
3 under section 205 to provide assistance on devel-
4 oping and implementing the research plan described
5 in subsection (a)(3).

6 (c) EVALUATIVE SUMMARY.—Each evaluative sum-
7 mary undertaken pursuant to subsection (b) shall—

8 (1) include a detailed description of the findings
9 of the main research and development activities in
10 each of the priority areas of such Center;

11 (2) describe how such new knowledge or under-
12 standing extends or otherwise relates to what had
13 been previously known or understood;

14 (3) describe the implications of such new knowl-
15 edge or understanding for educational practice and
16 school reform;

17 (4) include any development, reform, and other
18 assistance activities which have utilized such knowl-
19 edge or understanding and the effects of such ef-
20 forts;

21 (5) include a classification of all major research
22 conducted within each such priority area, including
23 all research conducted using Federal funds, into one
24 of not more than 4 classifications which shall be ini-
25 tially developed by the Commissioner within 3

1 months after the date on which such first Commis-
2 sioner is appointed, which provides a user-friendly
3 mechanism for parents, educators, policymakers, and
4 the general public to determine the type, reliability,
5 and utility of specific research in accordance with
6 scientifically valid research; and

7 (6) include an analysis of the major program
8 activities of the Center in the categories of basic re-
9 search, applied research, or development, and wheth-
10 er such research meets scientifically based quan-
11 titative research standards or scientifically based
12 qualitative standards, as defined in this Act.

13 (d) TRANSITION.—For purposes of carrying out the
14 evaluative summaries pursuant to subsection (b) and to
15 carry out any other duties deemed appropriate by the
16 Commissioner, consistent with this chapter, the Commis-
17 sion shall extend any cooperative agreement, grant or con-
18 tract made to a National Research and Development Cen-
19 ter (as such Center was in existence on the day before
20 the date of the enactment of this Act), for a period of
21 not more than two years, after which the Commissioner,
22 based upon the priorities of the Center and the research
23 plan developed under subsection (a)(3), and the extent to
24 which the work of the Center has met the standards of
25 scientifically valid research, shall—

1 (1) extend or renegotiate such grant, contract
2 or cooperative agreement with such Center for a pe-
3 riod not to extend beyond fiscal year 2005; or

4 (2) terminate or prohibit the renewal such
5 grant, contract or cooperative agreement.

6 (e) **ELIGIBLE RESEARCH GRANTEE.**—In this section,
7 the term “eligible research grantee” means a private or
8 public, for profit, or nonprofit research organization, insti-
9 tution, agency, institution of higher education, individual,
10 or a consortium thereof, including, but not limited to, na-
11 tional research and development centers and regional edu-
12 cation laboratories for research, development, dissemina-
13 tion, and technical assistance with the ability or capacity
14 to carry out scientifically valid research.

15 **SEC. 205. COMMITTEE ON EDUCATION RESEARCH.**

16 (a) **ESTABLISHMENT.**—There is established, within
17 the Center, a Committee for Education Research (here-
18 after in this chapter referred to as the “Committee”).

19 (b) **MEMBERSHIP.**—

20 (1) **QUALIFICATIONS.**—The members of the
21 Committee shall be individuals who, by virtue of
22 their training, experience, and background are able
23 to contribute to the mission of the Center described
24 in section 202(b).

1 (2) CONFLICT OF INTEREST.—A voting member
2 of the Committee shall be considered a special Gov-
3 ernment employee for the purposes of the Ethics in
4 Government Act of 1978.

5 (c) APPOINTMENTS.—The Committee shall consist of
6 7 members appointed by the Director of the Academy. A
7 majority of members of the Committee shall be experts
8 in scientifically valid research, including at least one ex-
9 pert in the field of education and at least one expert in
10 an academic discipline other than education.

11 (d) CHAIRPERSON.—The Committee shall select, on
12 an annual basis, a Chairperson from among its appointed
13 members.

14 (e) TERMS OF OFFICE—

15 (1) IN GENERAL.—Except as provided in para-
16 graphs (2) and (3), the term of office of each voting
17 member of the Committee shall be not more than 6
18 years.

19 (2) VACANCIES.—Any individual appointed to
20 fill a vacancy occurring on the Committee prior to
21 the expiration of the term for which the predecessor
22 of the individual was appointed shall be appointed
23 for the remainder of the term. A vacancy shall be
24 filled in the same manner in which the original ap-
25 pointment was made.

1 (3) MEMBERS FIRST APPOINTED.—The terms
2 of office of the members of the Committee who first
3 take office after the date of the enactment of this
4 Act shall, as designated by a random selection pro-
5 cess at the time of appointment, be as follows:

6 (A) 3 years for each of 2 members of the
7 Committee.

8 (B) 4 years for each of 2 members of the
9 Committee.

10 (C) 6 years for each of 3 members of the
11 Committee.

12 (f) MEETINGS OF COMMITTEE.—

13 (1) IN GENERAL.—The Committee shall meet
14 at least quarterly at the call of the Chairperson and
15 when at least one-third of the members of the Com-
16 mittee make a written request to meet.

17 (2) QUORUM.—A majority of the members of
18 the Committee shall constitute a quorum.

19 (3) OPEN MEETINGS.—The Government in the
20 Sunshine Act (5 U.S.C. 552b) shall apply to meet-
21 ings of the Board.

22 (g) FUNCTIONS.—It shall be the responsibility of the
23 Committee—

24 (1) to develop a limited number of specific,
25 long-term priorities to focus and guide the Center's

1 program of research, based upon the general prior-
2 ities of the Academy;

3 (2) in collaboration with the Commissioner, to
4 determine an appropriate strategy for funding re-
5 search activities;

6 (3) to comment on and review the standards of
7 research described in section 208;

8 (4) to review the dissemination activities of the
9 Academy to ensure that scientifically valid research
10 is being effectively disseminated to schools and
11 teachers; and

12 (5) to review regularly, evaluate, and publicly
13 comment upon—

14 (A) the research activities of the Center;

15 and

16 (B) the state of the quality of Federal edu-
17 cation research.

18 (h) ADDITIONAL RESPONSIBILITIES OF COM-
19 MITTEE.—It shall also be the responsibility of the
20 Committee—

21 (1) to provide advice and assistance to the
22 Commissioner in carrying out coordination activities
23 with other related agencies;

1 (2) to recommend ways for strengthening active
2 partnerships among researchers, educational practi-
3 tioners, librarians, and policymakers;

4 (3)(A) to solicit advice and information from
5 the educational field, to define research needs and
6 suggestions for research topics;

7 (B) to involve educational practitioners, particu-
8 larly teachers, in carrying out subparagraph (A);
9 and

10 (4) to provide recommendations for how re-
11 search conducted by the Center translates findings
12 into workable, adaptable models for use in policy
13 and in practice across different settings, and rec-
14 ommendations for other forms of dissemination.

15 (i) POWERS OF COMMITTEE.—In carrying out its
16 functions, powers, and responsibilities, the Committee—

17 (1) shall, without regard to the provisions of
18 title 5, United States Code, relating to the appoint-
19 ment and compensation of officers or employees of
20 the United States, appoint an executive director who
21 shall assist in carrying out and managing the activi-
22 ties of the Committee and perform such other func-
23 tions the Committee determines to be necessary and
24 appropriate;

1 (2) shall appoint not more than five employees
2 to carry out the duties of the Committee;

3 (3) may arrange for the detail of staff per-
4 sonnel and utilize the services and facilities of any
5 department or agency of the Federal Government;

6 (4) may enter into contracts, or make other ar-
7 rangements as may be necessary to carry out its
8 functions;

9 (5) may review and comment on any grant, con-
10 tract, or cooperative agreement made or entered into
11 by the Center;

12 (6) may, to the extent otherwise permitted by
13 law, obtain directly from any Federal department or
14 agency such information as the Committee deems
15 necessary to carry out its responsibilities; and

16 (7) shall establish such rules and procedures to
17 govern its operations as it considers appropriate, to
18 the extent otherwise permitted by law.

19 **SEC. 206. REPORT.**

20 Not later than December 31 of each year, the Com-
21 missioner shall transmit to the President, the appropriate
22 congressional committees and be made widely available to
23 the public through such means as the Internet, a report
24 that contains—

1 (1) a description of the activities carried out by
2 and through the Center during the prior fiscal year;

3 (2) a detailed summary of each grant, contract,
4 and cooperative agreement funded during the prior
5 fiscal year, including, at a minimum, the amount of
6 funds, duration, recipient, purpose, goal, and object
7 of the funds in meeting the mission of the Center,
8 the products completed through such funds, and an
9 evaluation of the use of such funds, which shall be
10 available in a user-friendly electronic database;

11 (3) a description of how the activities of the
12 Center comply with scientifically valid research con-
13 sistent with the provisions of this chapter and have
14 otherwise contributed to the mission of the Center as
15 described under section 202(b); and

16 (4) such additional comments, recommenda-
17 tions, and materials as the Director of the Academy
18 considers appropriate.

19 **SEC. 207. AUTHORITY TO PUBLISH.**

20 (a) IN GENERAL.—The Commissioner is authorized
21 to prepare and publish such information, reports, and doc-
22 uments as may be of value in carrying out the purposes
23 of this chapter and are consistent with the purpose and
24 mission of the Center as described in section 202(b).

1 (b) QUALITY ASSURANCE.—In carrying out such au-
2 thority, the Director shall ensure all such information and
3 reports—

4 (1) are subjected to rigorous peer review prior
5 to being published or otherwise made available by
6 the Academy; and

7 (2) include the names of its peer reviewers;

8 (3) are based upon standards described in sec-
9 tion 208;

10 (4) are categorized by the level of research the
11 program or practice has achieved as described in
12 section 204(b); and

13 (5) include information on the amount of Fed-
14 eral assistance provided.

15 **SEC. 208. STANDARDS FOR CONDUCT AND EVALUATION OF**
16 **RESEARCH.**

17 (a) IN GENERAL.—In carrying out its duties under
18 this chapter, the Center shall—

19 (1) ensure all research conducted under the di-
20 rection of the Center follows the standards of valid
21 scientific research;

22 (2) ensure that the findings of all research con-
23 ducted under the direction of the Center are pub-
24 lished in a recognized, peer-reviewed journal;

1 (3) develop such other standards as may be
2 necessary to govern the conduct and evaluation of all
3 research, development, and dissemination activities
4 carried out by the Center to assure that such activi-
5 ties meet the highest standards of professional excel-
6 lence;

7 (4) review the procedures utilized by the Na-
8 tional Institutes of Health, the National Science
9 Foundation, and other Federal departments or agen-
10 cies engaged in research and development and also
11 actively solicit recommendations from research orga-
12 nizations and members of the general public in the
13 development of such other standard described in
14 paragraph (3); and

15 (5) require research to comply with Federal
16 guidelines relating to research misconduct.

17 (b) AWARDING OF FUNDS.—In the case of research
18 that is carried out through grants, contracts, or coopera-
19 tive agreements, the Center, at a minimum, shall—

20 (1) require that a process of open competition
21 be used in awarding or entering into all grants, con-
22 tracts, and cooperative agreements under this chap-
23 ter;

24 (2) require that a system of peer review of
25 highly qualified individuals with an in-depth knowl-

1 edge of the subject to be investigated be utilized by
2 the Academy—

3 (A) for reviewing and evaluating all appli-
4 cations for grants and cooperative agreements
5 and bids for those contracts which exceed
6 \$100,000; and

7 (B) for evaluating and assessing the per-
8 formance of all recipients of grants from and
9 cooperative agreements and contracts with the
10 Center;

11 (3) describe the general procedures which shall
12 be used by each peer review panel in its operations;

13 (4) describe the procedures which shall be uti-
14 lized in evaluating applications for grants, proposed
15 cooperative agreements, and contract bids and speci-
16 fy the criteria and factors which shall be considered
17 in making such evaluations; and

18 (5) require that the performance of all recipi-
19 ents of grants from and contracts and cooperative
20 agreements with the Center shall be periodically
21 evaluated, both during and at the conclusion of their
22 receipt of assistance.

1 **CHAPTER 2—NATIONAL CENTER FOR**
2 **PROGRAM EVALUATION**

3 **SEC. 211. ESTABLISHMENT.**

4 (a) ESTABLISHMENT—There is established, within
5 the National Academy for Education Research, Evalua-
6 tion, Statistics, and Information established under title I
7 of this Act, a National Center for Program Evaluation
8 (hereafter in this chapter referred to as the “Center”).

9 (b) MISSION—The mission of the Center shall be to
10 conduct evaluations of Federal education programs to de-
11 termine the impact of such programs, especially on stu-
12 dent outcomes.

13 **SEC. 212. COMMISSIONER; STAFF.**

14 (a) COMMISSIONER.—The Center shall be headed by
15 a Commissioner for Program Evaluation (hereafter in this
16 chapter referred to as the “Commissioner”) who shall be
17 appointed by the President and who—

18 (1) should possess a demonstrated capacity for
19 sustained productivity and leadership in program
20 evaluation and development, and should be an indi-
21 vidual who is technically competent in conducting
22 sound program evaluations;

23 (2) shall oversee all evaluation and development
24 activities of the Center, the awarding of contracts,
25 the development of evaluation methodology, report-

1 ing the findings of evaluations to the public and
2 Congress, and other duties essential to carrying out
3 the mission of the Center; and

4 (3) shall serve a term of six years.

5 (b) STAFF.—

6 (1) IN GENERAL.—Consistent with title 5,
7 United States Code, the Commissioner may appoint
8 and fix the pay of such staff as the Commissioner
9 determines to be necessary to carry out the func-
10 tions of the Center which may include, as reasonably
11 required by the Commissioner, the hiring of certain
12 scientific or technical employees for limited periods
13 of time, without regard to the provisions of title 5,
14 United States Code, governing appointment in the
15 competitive service, and the provisions of chapter 51
16 and subchapter III of chapter 53 of such title relat-
17 ing to classification and General Schedule pay rates.

18 (2) REAPPOINTMENT.—The Commissioner may
19 reappoint an employee described in paragraph (1)
20 for 1 additional term not to exceed three years if de-
21 termined necessary by the Commissioner.

22 **SEC. 213. DUTIES.**

23 (a) GENERAL DUTIES.—

24 (1) IN GENERAL.—The duties of the Center
25 are—

1 (A) to evaluate programs under title I of
2 the Elementary and Secondary Education Act
3 of 1965;

4 (B) to evaluate other Federal education
5 programs, as determined by the Director of the
6 Academy;

7 (C) to evaluate education programs, on a
8 contractual basis for other Federal or State
9 agencies; and

10 (D) to oversee all contracting and per-
11 sonnel activities of the Center.

12 (2) ADDITIONAL REQUIREMENTS.—Each eval-
13 uation conducted by the Center pursuant to para-
14 graph (1) shall adhere to the highest possible stand-
15 ards of quality for conducting sound program eval-
16 uation with respect to research design, statistical
17 analysis, and the dissemination of findings as de-
18 scribed in section 2(7) of this Act.

19 (b) ADMINISTRATION OF EVALUATIONS UNDER
20 TITLE I OF THE ELEMENTARY AND SECONDARY EDU-
21 CATION ACT OF 1965.—

22 (1) IN GENERAL.—The Center shall administer
23 all operations and contracts associated with evalua-
24 tions authorized by part E of title I of the Elemen-
25 tary and Secondary Education Act of 1965 (20

1 U.S.C. 6491 et seq.) and administered by the De-
2 partment of Education as of the date of the enact-
3 ment of this Act. These evaluations are to include—

4 (A) the national assessment of title I of
5 such Act in accordance with paragraph (3);

6 (B) a longitudinal evaluation of the effec-
7 tiveness of school interventions in accordance
8 with paragraph (4); and

9 (C) national longitudinal surveys of
10 schools.

11 (2) QUALITY STANDARDS.—Each evaluation ad-
12 ministered under this subsection shall conform to
13 the extent possible to the sound program evaluation
14 standards defined under section 2(7). The Commis-
15 sioner shall determine if evaluation designs and
16 methodology are sound, the extent to which it is rea-
17 sonable for the evaluation to conform to such stand-
18 ards, and implement any necessary changes.

19 (3) NATIONAL ASSESSMENT OF TITLE I.—The
20 national assessment of title I of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C. 6301
22 et seq.) shall examine in accordance with the stand-
23 ards under paragraph (2)—

24 (A) the impact of the programs carried out
25 under part A of title I of the Elementary and

1 Secondary Education Act of 1965 upon increas-
2 ing student academic achievement;

3 (B) the impact of State standards, assess-
4 ments, and accountability systems developed
5 under part A of title I of the Elementary and
6 Secondary Education Act of 1965 on improving
7 student achievement and on the quality of edu-
8 cation programs and instruction at the local
9 level;

10 (C) the effectiveness of schoolwide pro-
11 grams and targeted assistance programs, as
12 compared to one another, upon improving stu-
13 dent academic achievement;

14 (D) the effectiveness of different com-
15 prehensive school reform models funded under
16 title I of the Elementary and Secondary Edu-
17 cation Act of 1965 on improving achievement of
18 disadvantaged students;

19 (E) the cost-effectiveness of interventions
20 funded under part A of title I of the Elemen-
21 tary and Secondary Education Act of 1965;

22 (F) the effects of school choice on the aca-
23 demic achievement of educationally disadvan-
24 taged students attending schools in need of im-
25 provement as defined under part A of title I of

1 the Elementary and Secondary Education Act
2 of 1965;

3 (G) the impact of the professional develop-
4 ment activities supported under title I of the
5 Elementary and Secondary Education Act of
6 1965 on instruction and student performance;

7 (H) the extent to which the resources pro-
8 vided under title I of the Elementary and Sec-
9 ondary Education Act of 1965 are targeted to
10 disadvantaged students; and

11 (I) the effectiveness of Federal administra-
12 tion, including monitoring and technical assist-
13 ance.

14 (4) NATIONAL LONGITUDINAL STUDY OF EF-
15 FECTIVENESS OF SCHOOL INTERVENTIONS.—The
16 Center shall carry out the ongoing longitudinal study
17 of schools administered by the Secretary of Edu-
18 cation and ensure that it provides the Congress and
19 educators described in part A of title I of the Ele-
20 mentary and Secondary Education Act of 1965 (20
21 U.S.C. 6311 et seq.) with the following:

22 (A) An accurate description and analysis
23 of its short-term and long-term effectiveness
24 upon academic performance.

1 (B) A measure of the cost-effectiveness of
2 title I of such Act in improving student aca-
3 demic achievement.

4 (C) A measure of the extent to which the
5 changes made to part A of title I of the Ele-
6 mentary and Secondary Education Act of 1965
7 since 1994 have resulted in increased student
8 academic achievement.

9 (D) An analysis of educational practices or
10 model programs which are the most effective in
11 improving the achievement of disadvantaged
12 children.

13 (E) An analysis of the cost-effectiveness of
14 different interventions used to improve the
15 achievement of disadvantaged children.

16 (F) A stratified sample of school partici-
17 pating in programs under title I of such Act
18 and shall ensure that different types of models
19 or strategies for delivering schools services are
20 analyzed, such as—

21 (i) schoolwide and targeted services
22 under title I of such Act; and

23 (ii) comprehensive school reform mod-
24 els.

1 (G) An analysis of cohorts of students
2 within the stratified sample of schools for at
3 least five years which study, when the cohorts
4 are taken as a whole, provides a picture of such
5 program's effectiveness over the elementary and
6 secondary grades.

7 (H) An analysis that includes, to the ex-
8 tent possible, students who transfer to different
9 schools during the course of the study.

10 (I) An analysis of the effect of the summer
11 break on maintaining and building on achieve-
12 ment gains from one year to the next, and the
13 effect of summer school on narrowing achieve-
14 ment gaps.

15 **SEC. 214. INDEPENDENT REVIEW PANELS.**

16 (a) ESTABLISHMENT.—The Commissioner may es-
17 tablish 1 or more independent review panels (hereafter in
18 this section referred to as “panels”) for each evaluation,
19 or a set of evaluations, described in section 213, in order
20 to assist the Center in carrying out the evaluation under
21 such section. In carrying out each such evaluation, the
22 Center and the panel shall consult with the appropriate
23 program office within the Department of Education.

24 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—Each panel shall consist of
2 not more than 15 members, and shall be selected by
3 the Director in consultation with the Commissioner
4 and shall include—

5 (A) individuals who are specialists in sta-
6 tistics, evaluation, research and assessment, of
7 which, in order to ensure diversity, the majority
8 shall represent disciplines or programs outside
9 of the field of education;

10 (B) 2 chief State school officers who shall
11 not be members of the same political party;

12 (C) 2 school district superintendents who
13 shall not be members of the same political
14 party; and

15 (D) other individuals with expertise who
16 would contribute to the overall rigor and quality
17 of the program evaluation.

18 (c) TERMS OF OFFICE.—The term of office of each
19 member of a panel shall be for the duration of the evalua-
20 tion the member is appointed to oversee.

21 (d) POWERS.—Each panel shall—

22 (1) ensure that the evaluations are sound, ask
23 meaningful and important questions, and are timely;

24 (2) oversee the evaluation as carried out by the
25 Center or its contractors; and

1 (3) ensure that each evaluation is reviewed
2 within 3 months of its completion by 3 independent
3 experts in program evaluation to evaluate and com-
4 ment on the degree to which it complies with sound
5 program evaluation standards.

6 Such comments received under paragraph (3) shall be
7 printed with the final version of the findings of the evalua-
8 tion, along with any response by the Commissioner of the
9 Center.

10 **CHAPTER 3—NATIONAL CENTER FOR** 11 **EDUCATION STATISTICS**

12 **SEC 221. SHORT TITLE.**

13 This chapter may be cited as the “National Edu-
14 cation Statistics Act of 2000”.

15 **SEC. 222. FINDINGS; PURPOSE.**

16 (a) FINDINGS.—The Congress finds the following:

17 (1) A Department of Education was established
18 in 1867 “for the purpose of collecting such statistics
19 and facts as shall show the condition and progress
20 of education in the several States and territories,
21 and of diffusing such information respecting the or-
22 ganization and management of schools and school
23 systems and methods of teaching as shall aid the
24 people of the United States in the establishment and
25 maintenance of efficient school systems, and other-

1 wise promote the cause of education throughout the
2 United States”.

3 (2) Today, while the role of the current Depart-
4 ment of Education is much broader, the National
5 Center for Education Statistics continues to perform
6 those crucial original purposes.

7 (3) It is paramount that the collecting, ana-
8 lyzing, and reporting of information and statistics be
9 done in a manner that is objective and free of par-
10 tisan and political influence, and that such activities
11 can be most effectively carried out by a National
12 Center for Education Statistics that is located with-
13 in an independent National Academy for Education
14 Research, Statistics, Evaluation, and Information in-
15 sulated from the Department of Education.

16 (4) The availability of valid, reliable and timely
17 data, delivered in widely accessible formats, provides
18 policymakers, educators, parents, and the public
19 with information for making key decisions about
20 education in their States and local school districts.

21 (5) As schools, school districts, States, the De-
22 partment of Education, and the Academy continue
23 to move to performance-based systems, in which ac-
24 countability and improvement efforts are driven by
25 student and school outcomes, comprehensive and ac-

1 curate information and data on such outcomes be-
2 come increasingly important.

3 (6) Recent technological advances permit more
4 efficient and effective strategies for the collection,
5 analysis, reporting and dissemination, and
6 warehousing of data, thereby enhancing the timeli-
7 ness and usability of the data by the public.

8 (7) Entering the 21st century, the National
9 Center for Education Statistics must be able to de-
10 sign and undertake, effectively and efficiently, statis-
11 tical activities that will aid in the reform of the Na-
12 tion's educational systems.

13 (b) PURPOSE.—The purpose of this chapter is to en-
14 sure the continuation of an effective mechanism, free of
15 partisan and political influence, for collecting and report-
16 ing statistics and information showing the condition and
17 progress of education in the United States and other na-
18 tions in order to promote and accelerate the improvement
19 of American education.

20 **SEC. 223. ESTABLISHMENT.**

21 (a) ESTABLISHMENT.—There is established, within
22 the Academy established under title I of this Act, a Na-
23 tional Center for Education Statistics (hereafter in this
24 chapter referred to as the “Center”).

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

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

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

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

9 (A) is objective and free of partisan and
10 political influence; and

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

13 **SEC. 224. COMMISSIONER; DEPUTY COMMISSIONER AND**
14 **ASSOCIATE COMMISSIONERS; STAFF.**

15 (a) **COMMISSIONER.**—The Center shall be headed by
16 a Commissioner for Education Statistics (hereafter in this
17 chapter referred to as the “Commissioner”) who shall be
18 appointed by the President and who—

19 (1) shall have substantial knowledge of pro-
20 grams assisted by the Center;

21 (2) shall be paid in accordance with section
22 5315 of title 5, United States Code; and

23 (3) shall serve a term of six years, with the
24 terms to expire every sixth July 1, beginning in
25 2001.

1 (b) DEPUTY COMMISSIONER AND ASSOCIATE COM-
2 MISSIONERS.—The Commissioner may appoint a Deputy
3 Commissioner and such Associate Commissioners as the
4 Commissioner determines are necessary and appropriate.

5 (c) STAFF.—

6 (1) IN GENERAL.—The Commissioner may ap-
7 point, for terms not to exceed three years (without
8 regard to the provisions of title 5, United States
9 Code, governing appointment in the competitive
10 service) such statistical experts of the Center as the
11 Commissioner considers necessary to accomplish the
12 Center’s mission, provided that—

13 (A) prior to the appointment of any such
14 employee, public notice is given of the avail-
15 ability of such position and an opportunity is
16 provided for qualified individuals to apply and
17 compete for such position;

18 (B) the appointment of such employee is
19 necessary to provide the Center with scientific
20 and technical expertise which could not other-
21 wise be obtained by the Center through the
22 competitive service; and

23 (C) the total number of such employees
24 does not exceed 10 percent of the number of
25 full-time professional employees of the Center.

1 (2) REAPPOINTMENT OF EMPLOYEES—The
2 Commissioner may reappoint employees described in
3 paragraph (1) upon presentation of clear and con-
4 vincing evidence of need, for one additional term not
5 to exceed three years. All such employees shall work
6 on activities of the Center and shall not be reas-
7 signed to other duties outside the Center during
8 their term.

9 **SEC. 225. DUTIES.**

10 (a) GENERAL DUTIES.—The duties of the Center are
11 to collect, analyze, and disseminate statistics and other in-
12 formation related to education in the United States and
13 in other nations, including—

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

20 (A) State and local education reform ac-
21 tivities;

22 (B) student achievement at all levels of
23 education;

24 (C) secondary school completions, drop-
25 outs, and adult literacy;

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

4 (E) teaching, including data on course-tak-
5 ing, instruction, the conditions of the education
6 workplace, and the supply of, and demand for,
7 teachers, which may include data on the propor-
8 tions of women and men, cross-tabulated by
9 race or ethnicity, teaching in subjects in which
10 such individuals have been historically under-
11 represented;

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

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

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

22 (I) the social and economic status of chil-
23 dren relative to academic achievement; and

24 (J) technology in the classroom;

1 (2) conducting and publishing reports and anal-
2 yses of the meaning and significance of such statis-
3 tics;

4 (3) conducting longitudinal studies, as well as
5 regular and special surveys and data collections, nec-
6 essary to report on the condition and progress of
7 education;

8 (4) collecting, analyzing, cross-tabulating, and
9 reporting, to the extent feasible, so as to provide in-
10 formation by gender, race, socioeconomic status, lim-
11 ited-English proficiency, and other population char-
12 acteristics when such disaggregated information
13 would facilitate educational and policy decision-
14 making;

15 (5) assisting public and private educational
16 agencies, organizations, and institutions in improv-
17 ing and automating statistical and data collection
18 activities; and

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

23 (b) PERFORMANCE MANAGEMENT.—The Commis-
24 sioner shall make customer service a priority and shall en-
25 sure a high level of customer satisfaction through—

1 (1) establishing and improving feedback mecha-
2 nisms in order to anticipate customer needs;

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

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

13 (4) establishing, and measuring the Center's
14 performance against, a set of indicators for the qual-
15 ity of data collected, analyzed, and reported by the
16 Center;

17 (5) continuously improving the management
18 strategies and practices of the Center; and

19 (6) making data available to the public in an
20 expeditious fashion.

21 (c) TRAINING PROGRAM.—The Commissioner may
22 establish a program to train employees of public and pri-
23 vate educational agencies, organizations, and institutions
24 in the use of the Center's standard statistical procedures
25 and concepts and may establish a fellows program to ap-

1 point such employees as temporary fellows at the Center
2 in order to assist the Center in carrying out its duties.

3 **SEC. 226. PERFORMANCE OF DUTIES.**

4 (a) GRANTS, CONTRACTS, AND COOPERATIVE
5 AGREEMENTS.—

6 (1) IN GENERAL.—In carrying out the duties of
7 the Center under this chapter, the Commissioner
8 may award grants, and enter into contracts and co-
9 operative agreements.

10 (2) DURATION.—Notwithstanding any other
11 provision of law, the grants, contracts, and coopera-
12 tive agreements under this section may be awarded,
13 on a competitive basis, for a period of not more than
14 five years, and may be renewed at the discretion of
15 the Commissioner for an additional period of not
16 more than five years.

17 (b) GATHERING INFORMATION.—

18 (1) AUTHORITY OVER IMPLEMENTATION OF
19 DATA COLLECTION.—Except with respect to the Na-
20 tional Assessment of Educational Progress carried
21 out under subtitle B of this title, the Commissioner
22 shall have final authority within the Academy with
23 respect to decisions regarding the implementation of
24 data collection activities, including the appropriate-
25 ness of specific collection methodologies.

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

4 (3) SOURCE OF INFORMATION.—The Commis-
5 sioner may, as the Commissioner considers appro-
6 priate, use information collected—

7 (A) from States, local educational agencies,
8 public and private schools, preschools, institu-
9 tions of higher education, libraries, administra-
10 tors, teachers, students, the general public, and
11 such other individuals, organizations, agencies,
12 and institutions as the Commissioner may con-
13 sider appropriate (including information col-
14 lected by States and local educational agencies
15 for their own use);

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

19 (4) COLLECTION.—The Commissioner may—

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

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

1 (C) assign employees of the Center to any
2 such agency, organization, or institution to as-
3 sist in such collection.

4 (5) TECHNICAL ASSISTANCE AND COORDINA-
5 TION.—In order to maximize the effectiveness of
6 Federal efforts to serve the educational needs of
7 children and youth, the Commissioner shall—

8 (A) provide technical assistance to the De-
9 partment of Education offices that gather data
10 for statistical purposes; and

11 (B) coordinate closely with other Depart-
12 ment of Education offices in the collection of
13 data.

14 (6) ADDITIONAL REQUIREMENT.—To assure
15 adequate notification, the Commissioner shall notify
16 the sources of information and others identified in
17 paragraph (3) of—

18 (A) the hardware and software require-
19 ments for electronic submission of data in a
20 reasonable amount of time in advance of new
21 collection activities for which electronic submis-
22 sion will be required, but not less than six
23 months prior thereto; and

24 (B) any new requirements for data collec-
25 tion and submissions in a reasonable amount of

1 time prior to the period for which the new data
2 collection is required, but not less than six
3 months prior thereto.

4 **SEC. 227. REPORTS.**

5 (a) **REPORT ON CONDITION AND PROGRESS OF EDU-**
6 **CATION.**—The Commissioner shall, not later than June 1,
7 2001, and each succeeding June 1 thereafter, submit to
8 the President and the appropriate congressional commit-
9 tees, a statistical report on the condition and progress of
10 education in the United States.

11 (b) **STATISTICAL REPORTS.**—The Commissioner shall
12 issue regular statistical reports to the President and the
13 appropriate congressional committees on such education
14 topics as the Commissioner determines to be appropriate.

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

18 (d) **PROCEDURES FOR ISSUANCE OF REPORTS.**—The
19 Commissioner shall establish procedures to ensure that the
20 reports issued under this section are relevant, of high
21 quality, useful to customers, subject to rigorous peer re-
22 view, produced in a timely fashion, and free from any po-
23 litical influence.

1 **SEC. 228. ADVISORY COUNCIL FOR EDUCATION STATISTICS.**

2 (a) ESTABLISHMENT.—There is established, within
3 the Center, an Advisory Council for Education Statistics
4 (hereafter in this chapter referred to as the “Council”).

5 (b) MEMBERSHIP.—

6 (1) COMPOSITION.—The Council shall be com-
7 posed of—

8 (A) 18 voting members who are users of
9 education data and who are appointed by the
10 Director of the Academy on the basis of their
11 experience and eminence within the field of edu-
12 cation, of whom at least—

13 (i) three shall be practicing educators;

14 (ii) three shall be education policy-
15 makers;

16 (iii) three shall be professional stat-
17 isticians;

18 (iv) three shall be education research-
19 ers; and

20 (v) three shall be experts in edu-
21 cational measurement;

22 (B) three individuals representing the gen-
23 eral public, appointed by the Director of the
24 Academy;

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

4 (D) the Commissioner for Education Sta-
5 tistics and the Director of the Academy, as non-
6 voting, ex officio members.

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

10 (3) TERMS.—Members of the Council appointed
11 under paragraph (1)(A) shall be appointed for three-
12 year terms, except that, in the case of initial ap-
13 pointments, the Secretary shall make appointments
14 for shorter terms to the extent necessary to avoid
15 the expiration of the terms of more than six mem-
16 bers in the same calendar year.

17 (4) MEETINGS.—

18 (A) IN GENERAL.—The Council shall meet
19 in public session at the call of the presiding of-
20 ficer, except that the Council shall meet—

21 (i) at least two times during each cal-
22 endar year; and

23 (ii) in addition, whenever ten voting
24 members request in writing that the pre-
25 siding officer call a meeting.

1 (B) QUORUM.—Eleven voting members of
2 the Council shall constitute a quorum.

3 (c) STAFF.—The Council shall appoint a staff of not
4 more than six individuals with technical expertise to en-
5 able the Council to carry out its duties.

6 (d) DUTIES.—The Council shall—

7 (1) review and advise the Commissioner on—

8 (A) general policies for the operation and
9 activities of the Center;

10 (B) standards to ensure that statistics and
11 other information disseminated by the Center
12 are of high quality and are not subject to par-
13 tisan or political influence;

14 (C) standards for peer review of statistical
15 research;

16 (D) the development of the data quality in-
17 dicators under section 225(b)(4); and

18 (E) the extent to which the data collected
19 and reported by the Center respond to customer
20 needs;

21 (2) annually submit to the Board, the Presi-
22 dent, and the appropriate congressional committees
23 a report on the quality and usefulness of data col-
24 lected and reported by the Center, and on any other
25 issues requiring public attention; and

1 (3) advise the Commissioner on technical and
2 statistical matters related to activities over which the
3 Center has responsibility.

4 **SEC. 229. CONFIDENTIALITY.**

5 (a) CONFIDENTIALITY STANDARDS.—

6 (1) IN GENERAL.—The Center shall develop
7 and enforce standards designed to protect the con-
8 fidentiality of persons in the collection, reporting,
9 and publication of data under this chapter. This sec-
10 tion shall not be construed to protect the confiden-
11 tiality of information about institutions, organiza-
12 tions, and agencies that receive grants from, or have
13 contracts or cooperative agreements with, the Fed-
14 eral Government.

15 (2) PROHIBITION.—No person may—

16 (A) use any individually identifiable infor-
17 mation furnished under this chapter for any
18 purpose other than a statistical purpose;

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

22 (C) permit anyone other than the individ-
23 uals authorized by the Commissioner to exam-
24 ine the individual reports.

25 (b) ADMINISTRATION.—

1 (1) IN GENERAL.—No department, bureau,
2 agency, officer, or employee of the Federal Govern-
3 ment, except the Commissioner in carrying out the
4 purposes of this chapter, shall require, for any rea-
5 son, copies of reports that have been filed under this
6 chapter with the Center or retained by any indi-
7 vidual respondent. Copies of such reports that have
8 been so filed or retained with the Center or any of
9 the Center’s employees, contractors, or agents shall
10 be immune from legal process, and shall not, without
11 the consent of the individual concerned, be admitted
12 as evidence or used for any purpose in any action,
13 suit, or other judicial or administrative proceeding.
14 This paragraph shall apply only to individually iden-
15 tifiable information.

16 (2) EMPLOYEE OR STAFF VIOLATIONS.—Who-
17 ever, being or having been an employee or staff
18 member of the Center, having taken or subscribed
19 the oath of office, or having sworn to observe the
20 limitations imposed by subsection (a)(2) of this sec-
21 tion, knowingly publishes or communicates any indi-
22 vidually identifiable information, the disclosure of
23 which is prohibited by subsection (a)(2) of this sec-
24 tion, and that comes into such employee or staff’s
25 possession by reason of employment (or otherwise

1 providing services) under this chapter, shall be found
2 guilty of a class E felony and imprisoned for not
3 more than five years, or fined as specified in section
4 3571 of title 18, United States Code, or both.

5 (3) TEMPORARY STAFF.—The Commissioner
6 may utilize temporary staff, including employees of
7 Federal, State, or local agencies or instrumentalities
8 (including local educational agencies), and employees
9 of private organizations to assist the Center in per-
10 forming the Center’s responsibilities, but only if such
11 temporary staff are sworn to observe the limitations
12 imposed by this section.

13 (4) INFORMATION REQUIREMENTS.—No collec-
14 tion of information or data acquisition activity un-
15 dertaken by the Center shall be subject to any re-
16 view, coordination, or approval procedure except as
17 required by the Director of the Office of Manage-
18 ment and Budget under the rules and regulations
19 established pursuant to chapter 35 of title 44,
20 United States Code, except such collection of infor-
21 mation or data acquisition activity may be subject to
22 review or coordination if the Commissioner deter-
23 mines that such review or coordination is beneficial.

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

1 (A) the term “individually identifiable in-
2 formation” means any record, response form,
3 completed survey, or aggregation thereof from
4 which information about particular individuals
5 may be revealed; and

6 (B) the term “report” means a response
7 provided by or about an individual to an inquiry
8 from the Center and does not include a statis-
9 tical aggregation from which individually identi-
10 fiable information cannot be revealed.

11 (6) VIOLATIONS.—Any person who uses any
12 data provided by the Center, in conjunction with any
13 other information or technique, to identify any indi-
14 vidual student, teacher, administrator, or other indi-
15 vidual and who knowingly discloses, publishes, or
16 uses such data for a purpose other than a statistical
17 purpose, or who otherwise violates subparagraph (A)
18 or (B) of subsection (a)(2) of this section, shall be
19 found guilty of a class E felony and imprisoned for
20 not more than five years, or fined as specified in sec-
21 tion 3571 of title 18, United States Code, or both.

22 (7) ACCESS TO REPORTS OR RECORDS.—Noth-
23 ing in this section shall restrict the right of the Di-
24 rector, the Comptroller General of the United
25 States, the Director of the Congressional Budget Of-

1 fice, and the Librarian of Congress, to gain access
2 to any reports or other records, including informa-
3 tion identifying individuals, in the Center's posses-
4 sion, except that the same restrictions on disclosure
5 that apply under paragraphs (1) and (6) shall apply
6 to such individuals.

7 **SEC. 230. DISSEMINATION.**

8 (a) GENERAL REQUESTS.—

9 (1) IN GENERAL.—The Center may furnish
10 transcripts or copies of tables and other statistical
11 records and make special statistical compilations and
12 surveys for State and local officials, public and pri-
13 vate organizations, and individuals.

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

19 (b) CONGRESSIONAL REQUESTS.—The Center shall
20 furnish such special statistical compilations and surveys
21 as the appropriate congressional committees, may request.

22 (c) JOINT STATISTICAL PROJECTS.—The Commis-
23 sioner may engage in joint statistical projects related to
24 the purposes of this chapter, or other statistical purposes
25 authorized by law, with nonprofit organizations or agen-

1 cies, and the cost of such projects shall be shared equi-
2 tably, as determined by the Commissioner.

3 (d) FEES.—

4 (1) IN GENERAL.—Statistical compilations and
5 surveys under this section, other than those carried
6 out pursuant to subsections (b) and (c) of this sec-
7 tion, may be made subject to the payment of the ac-
8 tual or estimated cost of such work.

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

15 (e) ACCESS.—

16 (1) OTHER AGENCIES.—The Center shall, con-
17 sistent with section 229, cooperate with other Fed-
18 eral agencies having a need for educational data in
19 providing access to educational data received by the
20 Center.

21 (2) INTERESTED PARTIES.—The Center shall,
22 in accordance with such terms and conditions as the
23 Commissioner may prescribe, provide all interested
24 parties, including public and private agencies, par-
25 ents and other individuals, direct access, in the most

1 appropriate form (including, where possible, elec-
2 tronically), to data collected by the Center for the
3 purposes of research and acquiring statistical infor-
4 mation.

5 **SEC. 231. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

6 (a) **ESTABLISHMENT.**—The Commissioner may es-
7 tablish one or more national cooperative education statis-
8 tics systems for the purpose of producing and maintaining,
9 with the cooperation of the States, comparable and uni-
10 form information and data on early childhood education,
11 elementary and secondary education, adult education and
12 libraries, that are useful for policymaking at the Federal,
13 State, and local levels. In carrying out this section, the
14 Commissioner may provide technical assistance, and make
15 grants and enter into contracts and cooperative agree-
16 ments.

17 (b) **POSTSECONDARY GROUPS.**—

18 (1) **ESTABLISHMENT.**—The Commissioner may
19 establish one or more groups composed of individ-
20 uals representing postsecondary education agencies
21 and all sectors of postsecondary education institu-
22 tions to provide advice and recommendations for
23 producing postsecondary education data that are
24 useful for policymakers, including Congress, at the
25 Federal, State, and local levels. Such groups shall

1 include both providers and users of postsecondary
2 education data, and shall make recommendations for
3 the use of appropriate technologies in collection and
4 dissemination of data, and advise on how data col-
5 lection requirements can be made more efficient and
6 cost effective for institutions.

7 (2) ADMINISTRATION.—In carrying out this
8 section, the Commissioner may provide technical as-
9 sistance, and make grants and enter into contracts
10 and cooperative agreements.

11 **Subtitle B—National Assessment**
12 **Governing Board and National**
13 **Assessment of Educational**
14 **Progress**

15 **CHAPTER 1—NATIONAL ASSESSMENT**

16 **GOVERNING BOARD**

17 **SEC. 251. NATIONAL ASSESSMENT GOVERNING BOARD.**

18 (a) ESTABLISHMENT.—There is established, within
19 the Academy, the National Assessment Governing Board
20 which shall formulate policy and carry out the National
21 Assessment of Educational Progress described in section
22 252.

23 (b) MEMBERSHIP.—

24 (1) EXISTING MEMBERS.—Individuals serving
25 on the National Assessment Governing Board on the

1 day before the date of the enactment of this Act
2 shall continue to serve in such capacity until the ex-
3 piration of their term of appointment.

4 (2) APPOINTMENT AND COMPOSITION.—Upon
5 the expiration of an existing member’s term on the
6 National Assessment Governing Board and in ac-
7 cordance with subsection (d), the Director of the
8 Academy shall appoint members to such Board to be
9 composed of—

10 (A) two Governors, or former Governors,
11 who shall not be members of the same political
12 party;

13 (B) two State legislators, who shall not be
14 members of the same political party;

15 (C) two chief State school officers;

16 (D) two members of a State board of edu-
17 cation;

18 (E) one superintendent of a local edu-
19 cational agency;

20 (F) one member of a local board of edu-
21 cation;

22 (G) three classroom teachers representing
23 the grade levels at which the National Assess-
24 ment of Educational Progress is conducted;

1 (H) one representative of business or in-
2 dustry;

3 (I) two curriculum specialists;

4 (J) three testing and measurement experts,
5 who shall have training and experience in the
6 field of testing and measurement;

7 (K) one nonpublic school administrator or
8 policymaker;

9 (L) two school principals, of whom one
10 shall be an elementary school principal and one
11 shall be a secondary school principal; and

12 (M) four additional members who are rep-
13 resentatives of the general public, including par-
14 ents.

15 (3) EX OFFICIO MEMBERS.—The Commissioner
16 of Education Statistics and the Director of the
17 Academy shall serve as ex officio, nonvoting mem-
18 bers of the Board.

19 (4) SPECIAL RULE.—The Director of the Acad-
20 emy shall ensure at all times that the membership
21 of the Board reflects regional, racial, gender, and
22 cultural balance and diversity. The Board shall exer-
23 cise its independent judgment, free from inappro-
24 priate influences and special interests.

25 (c) TERMS.—

1 (1)(A) IN GENERAL.—Terms of service of mem-
2 bers of the Board shall be staggered and may not
3 exceed a period of 4 years.

4 (B) TRANSITION RULE.—Notwithstanding
5 paragraph (2), subparagraph (A) shall take effect on
6 the date of the enactment of this Act, except that
7 members of the Board who were appointed and
8 granted a 3-year term of service by the Secretary of
9 Education before such date, and who are members
10 on such date, shall be granted a 1-year extension of
11 such term.

12 (2) SERVICE LIMITATION.—Except for a 1-year
13 extension provided in paragraph (1)(B), members of
14 the Board may serve not more than 2 consecutive
15 terms.

16 (3) CHANGE OF STATUS.—A member of the
17 Board who changes status under subsection (b) of
18 this section during the term of the appointment of
19 the member may continue to serve as a member
20 until the expiration of such term.

21 (d) VACANCIES.—

22 (1) IN GENERAL.—

23 (A) The Director of the Academy shall ap-
24 point new members to fill vacancies on the
25 Board from among individuals who are nomi-

1 nated by organizations representing the type of
2 individuals described in subsection (b)(1) with
3 respect to which the vacancy exists.

4 (B) Each organization submitting nomina-
5 tions to the Director of the Academy with re-
6 spect to a particular vacancy shall nominate for
7 such vacancy 6 individuals who are qualified by
8 experience or training to fill the particular
9 Board vacancy.

10 (2) ADDITIONAL NOMINATIONS.—The Director
11 of the Academy may request that each organization
12 described in paragraph (1)(A) submit additional
13 nominations if the Director determines that none of
14 the individuals nominated by such organization have
15 appropriate knowledge or expertise.

16 (e) AUTHORITY.—

17 (1) IN GENERAL.—In carrying out its respon-
18 sibilities to formulate policy and carry out the Na-
19 tional Assessment of Educational Progress, the
20 Board shall have authority to—

21 (A) publish notices in the Federal Register
22 and the Commerce Business Daily;

23 (B) review and approve for publication or
24 public dissemination articles, reports, bro-
25 chures, speeches, books, and other documents;

1 (C) make, enter into, and perform con-
2 tracts, leases, or other similar transactions in
3 furtherance of the functions and responsibilities
4 of the Board;

5 (D) obligate funds allocated and allotted to
6 the National Assessment Governing Board;

7 (E) perform personnel functions necessary
8 to appoint and fix compensation of officers and
9 employees and to appoint excepted service per-
10 sonnel and to obtain the services of experts and
11 consultants;

12 (F) make determinations regarding con-
13 flicts of interest; and

14 (G) solicit, accept, hold, administer, and
15 utilize gifts, bequests, and devises of money,
16 property, both real and personal, or uncondi-
17 tional gifts of services.

18 (2) ESTABLISHMENT OF POLICY.—In estab-
19 lishing policy for the National Assessment of Edu-
20 cational Progress, the Board shall—

21 (A) select subject areas to be assessed
22 (consistent with section 252(c)(1));

23 (B) develop appropriate student perform-
24 ance levels as provided in section 252(f);

1 (C) develop assessment objectives and test
2 specifications through a national consensus ap-
3 proach which includes the active participation
4 of teachers, curriculum specialists, State boards
5 of education, local school boards, local school
6 administrators, parents, and concerned mem-
7 bers of the public;

8 (D) design the methodology of the assess-
9 ment, in consultation with appropriate technical
10 experts;

11 (E) develop guidelines for reporting and
12 disseminating results;

13 (F) develop standards and procedures for
14 interstate, regional, and national comparisons;
15 and

16 (G) take appropriate actions needed to im-
17 prove the form and use of the National Assess-
18 ment of Educational Progress.

19 (3) DELEGATION.—The Board may delegate
20 any of the Board’s procedural and administrative
21 functions to its staff.

22 (4) COGNITIVE AND NONCOGNITIVE ITEMS.—
23 The Board shall have final authority on the appro-
24 priateness of cognitive and noncognitive items.

1 (5) PROHIBITION AGAINST BIAS.—The Board
2 shall take steps to ensure that all items selected for
3 use in the National Assessment of Educational
4 Progress are free from racial, cultural, gender, or re-
5 gional bias.

6 (6) TECHNICAL.—In carrying out the duties re-
7 quired by paragraph (2), the Board may seek tech-
8 nical advice, as appropriate, from the Commissioner
9 of Education Statistics and the Advisory Council on
10 Education Statistics and other experts.

11 (7) REPORT.—Not later than 90 days after an
12 evaluation of the student performance levels under
13 section 252(f), the Board shall make a report to the
14 Director of the Academy, the Committee on Edu-
15 cation and the Workforce of the House of Rep-
16 resentatives, and the Committee on Health, Edu-
17 cation, Labor, and Pensions of the Senate describing
18 the steps the Board is taking to respond to each of
19 the recommendations contained in such evaluation.

20 (f) PERSONNEL.—

21 (1) IN GENERAL.—In the exercise of its respon-
22 sibilities, the Board shall be independent of the Di-
23 rector and the other offices and officers of the Acad-
24 emy.

25 (2) STAFF.—

1 (A) The Board may appoint such staff as
2 will enable the Board to carry out its respon-
3 sibilities.

4 (B) Such appointments may include, for
5 terms not to exceed 3 years and without regard
6 to the provisions of title 5, United States Code,
7 governing appointments in the competitive serv-
8 ice, technical employees who may be paid with-
9 out regard to the provisions of chapter 51 and
10 subchapter III of chapter 53 of such title relat-
11 ing to classification and General Schedule pay
12 rates.

13 (g) ADMINISTRATION.—Section 10, 11, and 12 of the
14 Federal Advisory Committee Act shall apply with respect
15 to the Board.

16 **SEC. 252. NATIONAL ASSESSMENT OF EDUCATIONAL**
17 **PROGRESS.**

18 (a) ESTABLISHMENT.—The National Assessment
19 Governing Board shall establish policy and carry out,
20 through grants, contracts, or cooperative agreements with
21 1 or more qualified entities, or consortia thereof, a Na-
22 tional Assessment of Educational Progress. The National
23 Assessment of Education Progress collectively refers to a
24 long-term trend assessment, national assessment, and
25 State assessments.

1 (b) PURPOSE; LONG-TERM TREND ASSESSMENT,
2 NATIONAL ASSESSMENTS, AND STATE ASSESSMENTS.—

3 The purpose of the National Assessment of Educational
4 Progress is to provide a fair and accurate presentation of
5 educational achievement in reading, writing, mathematics,
6 and science, and as time and resources permit, the addi-
7 tional subjects of United States history, geography, and
8 civics.

9 (c) DUTIES.—

10 (1) IN GENERAL.—The National Assessment
11 Governing Board, in carrying out the National As-
12 sessment of Educational Progress, shall use sam-
13 pling techniques that produce data that are rep-
14 resentative on a national and regional basis, and on
15 a State basis pursuant to paragraph (2). The Board,
16 in accordance with an assessment and reporting
17 schedule developed and published by the Board,
18 shall—

19 (A) conduct a long-term trend assessment
20 for purposes of tracking long-term national
21 trends, collect and report data on a periodic
22 basis, but at least every 4 years, for students at
23 ages 9, 13, and 17 in reading, mathematics,
24 and science and in grades 4, 8, and 11 in writ-
25 ing;

1 (B) for purposes of collecting data on stu-
2 dent achievement based on frameworks devel-
3 oped by the Board under section 251(e)(2),
4 conduct a national assessment each year and
5 State assessments not less than once every 4
6 years in each subject tested as part of the Na-
7 tional Assessment of Educational Progress in
8 grades 4, 8, and 12 in public and private
9 schools;

10 (C) report achievement data on a basis
11 that ensures valid and reliable trend reporting;

12 (D) include information on special groups,
13 including, whenever feasible, information col-
14 lected, cross-tabulated, analyzed, and reported
15 by sex, race or ethnicity and socioeconomic sta-
16 tus;

17 (E) ensure that initial assessment results
18 are reported to the public on a timely basis, but
19 in no event later than 6 months after such as-
20 sessments are administered;

21 (F) ensure that achievement data are
22 made available on a timely basis following offi-
23 cial reporting, in a manner that facilitates fur-
24 ther analysis; and

1 (G) provide assistance to interested States
2 that wish to compare their State assessments to
3 the National Assessment of Educational
4 Progress.

5 (2) STATE ASSESSMENTS.—

6 (A)(i) The National Assessment Governing
7 Board, in carrying out the National Assessment
8 of Educational Progress, may conduct State as-
9 sements of student achievement in grades 4,
10 8, and 12.

11 (ii) Each such State assessment, in each
12 subject area and at each grade level, shall be
13 conducted in a manner that will produce high-
14 quality data that are valid and reliable.

15 (B)(i) A State wishing to participate in a
16 State assessment shall enter into an agreement
17 with the Board pursuant to subsection (e)(2).

18 (ii) Such agreement shall contain informa-
19 tion sufficient to give States full information
20 about the process for consensus decision mak-
21 ing on objectives to be tested, and the stand-
22 ards for sampling, test administration, test se-
23 curity, data collection, validation, and reporting.

24 (C) A participating State shall review and
25 give permission for the release of results from

1 any test of its students administered as a part
2 of a State assessment prior to the release of
3 such data. Refusal by a State to release its data
4 shall not restrict the release of data from other
5 States that have approved the release of such
6 data.

7 (3) PROHIBITED DATA.—In carrying out the
8 National Assessment of Educational Progress, the
9 National Assessment Governing Board shall not col-
10 lect any data that are not directly related to the ap-
11 praisal of educational performance, achievement, and
12 traditional demographic reporting variables, or to
13 the fair and accurate presentation of such informa-
14 tion.

15 (4) TECHNICAL ASSISTANCE.—In carrying out
16 the National Assessment of Educational Progress,
17 the Board may provide technical assistance to
18 States, localities, and other parties.

19 (d) ACCESS.—

20 (1) PUBLIC ACCESS.—Except as provided in
21 paragraph (2), the public shall have access to all
22 data, questions, and test instruments of the National
23 Assessment of Educational Progress.

24 (2) PERSONALLY IDENTIFIABLE INFORMA-
25 TION.—

1 (A) The National Assessment Governing
2 Board shall ensure that all personally identifi-
3 able information about students, their edu-
4 cational performance, and their families, and
5 information with respect to individual schools,
6 remains confidential, in accordance with section
7 552a of title 5, United States Code.

8 (B) The National Assessment Governing
9 Board shall not maintain a system of records
10 containing a student's name, birth information,
11 social security number, or parent's name or
12 names.

13 (C)(i) Notwithstanding any other provision
14 of law, the National Assessment Governing
15 Board may decline to make available to the
16 public for a period, not to exceed 10 years after
17 initial use, cognitive questions that the National
18 Assessment Governing Board intends to reuse
19 in the future.

20 (ii) Notwithstanding clause (i), the Na-
21 tional Assessment Governing Board may decline
22 to make available cognitive items for periods
23 longer than 10 years if the Board determines
24 that it is necessary to do so in order to protect
25 the integrity of long-term trend data.

1 (e) PARTICIPATION.—

2 (1) LONG-TERM TREND ASSESSMENT AND NA-
3 TIONAL ASSESSMENT.—Participation in the long-
4 term trend assessment and national assessment by
5 State and local educational agencies shall be vol-
6 untary.

7 (2) STATE AMOUNT.—Participation in assess-
8 ments made on a State basis shall be voluntary. The
9 National Assessment Governing Board shall enter
10 into an agreement with any State that desires to
11 carry out an assessment for the State under this
12 subsection. Each such agreement shall contain provi-
13 sions designed to ensure that the State—

14 (A) participates in the assessment; and

15 (B) pays from non-Federal sources the
16 non-Federal share of such participation.

17 (3) NON-FEDERAL SHARE.—

18 (A) For each fiscal year, the non-Federal
19 share, for the purpose of paragraph (2)(B),
20 shall be—

21 (i) the cost of conducting the assess-
22 ment at the school level for all public
23 schools in the State sample;

24 (ii) the cost of coordination within the
25 State; and

1 (iii) other reasonable costs specified
2 by the Board in the agreement described in
3 paragraph (2), such as the cost of ana-
4 lyzing and reporting the data.

5 (B) The non-Federal share of payments
6 under this paragraph may be in cash or in kind,
7 fairly valued.

8 (C) The agreement described in paragraph
9 (2) shall describe the manner in which the costs
10 of administering the assessment to private non-
11 profit schools included in the State sample will
12 be met.

13 (f) STUDENT PERFORMANCE LEVELS.—

14 (1) PERFORMANCE LEVELS.—The National As-
15 sessment Governing Board shall develop appropriate
16 student performance levels for each grade in each
17 subject area to be tested under the National Assess-
18 ment of Educational Progress.

19 (2) DEVELOPMENT OF LEVELS.—

20 (A) Such performance levels shall be—

21 (i) devised through a national con-
22 sensus approach, providing for active par-
23 ticipation of teachers, curriculum special-
24 ists, State boards of education, local school
25 boards, local school administrators, par-

1 ents, and concerned members of the gen-
2 eral public;

3 (ii) used on a developmental basis
4 until the Board determines, as the result
5 of an independent evaluation under sub-
6 section (g), that such levels are reasonable,
7 valid, and informative to the public; and

8 (iii) updated as appropriate.

9 (B) In using such levels on a develop-
10 mental basis, the Board shall ensure that re-
11 ports that use such levels do so in a manner
12 that makes clear the developmental status of
13 such levels.

14 (3) REPORTING.—After determining that such
15 levels are reasonable, valid, and informative to the
16 public, as the result of an evaluation under sub-
17 section (f), the Board shall use such levels or other
18 methods or indicators for reporting results of the
19 National assessment and State assessments.

20 (g) REVIEW OF NATIONAL AND STATE ASSESS-
21 MENTS.—

22 (1) IN GENERAL.—

23 (A) The Director of the Academy shall
24 provide for continuing review of the National
25 assessment, State assessments, and student

1 performance levels, by 1 or more nationally rec-
2 ognized evaluation organizations, such as the
3 National Academy of Education and the Na-
4 tional Academy of Sciences.

5 (B) Such continuing review shall address—

6 (i) whether each State assessment is
7 properly administered, produces high-qual-
8 ity data that are valid and reliable, and
9 produces data on student achievement that
10 are not otherwise available to the State
11 (other than data comparing participating
12 States to each other and the Nation); and

13 (ii) whether developmental student
14 performance levels are reasonable, valid,
15 and informative to the public.

16 (2) REPORT.—The Board shall report to the
17 Committee on Education and the Workforce of the
18 House of Representatives and the Committee on
19 Health, Education, Labor, and Pensions of the Sen-
20 ate, the President, and the Nation on the findings
21 and recommendations of such reviews.

22 (3) USE OF FINDINGS AND RECOMMENDA-
23 TIONS.—The National Assessment Governing Board
24 shall consider the findings and recommendations of

1 such reviews in carrying out the National Assess-
2 ment of Educational Progress.

3 (h) COVERAGE AGREEMENTS.—

4 (1) DEPARTMENT OF DEFENSE SCHOOLS.—The
5 National Assessment Governing Board and the Sec-
6 retary of Defense may enter into an agreement, in-
7 cluding such terms as are mutually satisfactory, to
8 include in the National Assessment of Educational
9 Progress elementary and secondary schools operated
10 by the Department of Defense.

11 (2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—
12 The National Assessment Governing Board and the
13 Secretary of the Interior may enter into an agree-
14 ment, including such terms as are mutually satisfac-
15 tory, to include in the National Assessment of Edu-
16 cational Progress schools for Indian children oper-
17 ated or supported by the Bureau of Indian Affairs.

18 **SEC. 253. PROHIBITION ON FEDERALLY SPONSORED TEST-**

19 **ING.**

20 (a) GENERAL PROHIBITION.—Notwithstanding any
21 other provision of Federal law and except as provided in
22 subsection (b), no funds provided to the Department of
23 Education, the National Assessment Governing Board, the
24 Academy, or an applicable program may be used to carry
25 out any activities related to any federally sponsored na-

1 tional test in reading, mathematics, or any other subject
2 that is not specifically and explicitly provided for in au-
3 thorizing legislation enacted into law.

4 (b) EXCEPTIONS.—Subsection (a) shall not apply to
5 the Third International Mathematics and Science Study
6 or other international comparative assessments developed
7 under the authority of section 225(a)(6) and administered
8 to only a representative sample of pupils in the United
9 States and in foreign nations.

10 (c) REPEAL OF AUTHORITY.—Section 305(b) of title
11 III of the Department of Labor, Health and Human Serv-
12 ices and Education and Related Agencies Appropriations
13 Act, 1999 of the Omnibus Consolidated and Emergency
14 Supplemental Appropriations Act for 1999 (Public Law
15 105–277) relating to the authority of the National Assess-
16 ment Governing Board over the direction and all policies
17 and guidelines for developing voluntary national tests, is
18 repealed.

1 **TITLE III—ACTIVITIES WITHIN**
2 **THE DEPARTMENT OF EDU-**
3 **CATION**

4 **SEC. 301. OFFICE OF PLANNING, PERFORMANCE MANAGE-**
5 **MENT, AND TECHNICAL ASSISTANCE.**

6 Section 208 of the Department of Education Organi-
7 zation Act (20 U.S.C. 3419) is amended to read as fol-
8 lows:

9 “(a) IN GENERAL.—There is established within the
10 Department of Education an Office of Planning, Perform-
11 ance Measurement, and Technical Assistance, which shall
12 be under the direction of a Director.

13 “(b) DUTIES OF OFFICE.—The Director of the Office
14 of Planning, Performance Measurement, and Technical
15 Assistance shall be responsible for—

16 “(1) planning and measuring program perform-
17 ance described in subsection (c);

18 “(2) providing assistance to State educational
19 agencies and local educational agencies in the devel-
20 opment and maintenance of management informa-
21 tion systems described in subsection (d); and

22 “(3) providing technical assistance and dissemi-
23 nating information described in subsections (e) and
24 (f)

1 “(c) PLANNING AND PERFORMANCE.—To assist with
2 planning and implement a performance measurement sys-
3 tem, the Director may, directly or through grants to, and
4 contracts with, appropriate entities—

5 “(1) assess program goals under the Govern-
6 ment Performance Results Act of 1993 (Public Law
7 103–62);

8 “(2) measure the quality of program adminis-
9 tration;

10 “(3) conduct efforts to measure and improve
11 data quality;

12 “(4) assess implementation quality;

13 “(5) assess process effectiveness and efficiency;

14 “(6) measure customer satisfaction;

15 “(7) collect participant outcomes;

16 “(8) obtain biennial updates of census data
17 used under title I of the Elementary and Secondary
18 Education Act of 1965; and

19 “(9) undertake activities in partnership with
20 the States to develop information needed to inform
21 program management and support continuous im-
22 provement at the State, school district, and school
23 levels.

24 “(d) INTEGRATED PERFORMANCE AND
25 BENCHMARKING SYSTEM.—The Office may provide guid-

1 ance and technical assistance to State educational agen-
2 cies and local educational agencies in developing and
3 maintaining management-information systems through
4 which such an agency may develop program-performance
5 indicators, collect data to measure performance against
6 those indicators, and use the data to improve services and
7 performance.

8 “(e) REGIONAL COMPREHENSIVE TECHNICAL AS-
9 SISTANCE AND REFORM INITIATIVES.—

10 “(1) IN GENERAL.—The Director shall—

11 “(A) establish, oversee, and coordinate a
12 nationwide, regional network of entities author-
13 ized to provide comprehensive technical assist-
14 ance and promote reform initiatives to States,
15 local educational agencies, schools, tribes, com-
16 munity-based organizations, and other appro-
17 priate entities;

18 “(B) identify not more than 10 regional
19 areas of the United States to make up such
20 network, taking into consideration at a min-
21 imum, the geographic distribution of students
22 assisted under title I of the Elementary and
23 Secondary Education Act of 1965.

24 “(2) REGIONAL BOARDS.—

1 “(A) IN GENERAL.—Each region referred
2 to in paragraph (1)(B) shall be governed by a
3 regional board which shall be convened by gov-
4 ernors in the States represented by each region.
5 Each such board shall consist of individuals
6 broadly representative of the agencies and orga-
7 nizations serving the region, which at a min-
8 imum shall include—

9 “(i) representatives of State edu-
10 cational agencies;

11 “(ii) representatives of local edu-
12 cational agencies;

13 “(iii) representatives of higher edu-
14 cational agencies, including individuals rep-
15 resenting schools of education, university-
16 based education research, and university-
17 based research in fields other than edu-
18 cation;

19 “(iv) parents;

20 “(v) practicing educators; and

21 “(vi) representatives of business.

22 “(B) PLAN.—Each regional board shall—

23 “(i) develop a plan for identifying and
24 serving the needs of the region by con-
25 ducting a continuing survey of the edu-

1 cational needs, strengths, and weaknesses
2 within the region, including a process of
3 open hearings to solicit the views and
4 needs of schools, charter schools, teachers,
5 administrators, parents, local educational
6 agencies, librarians, businesses, State edu-
7 cational agencies and other customers
8 within the region;

9 “(ii) forward such plan to the Direc-
10 tor of the National Academy for Education
11 Research, Statistics, Evaluation, and Infor-
12 mation and the Commissioner of Edu-
13 cation Research to assist in making deci-
14 sions regarding the national priorities
15 within education research.

16 “(C) TECHNICAL ASSISTANCE.—Based
17 upon the plan described in subparagraph (B),
18 each regional board shall carry out comprehen-
19 sive technical assistance and reform initiatives,
20 which, at a minimum, shall include—

21 “(i) the dissemination of research, in-
22 formation, products, and publications de-
23 veloped through or supported by the De-
24 partment of Education or the National
25 Academy for Education Research, Statis-

1 tics, Evaluation, and Information to
2 schools, educators, parents and policy-
3 makers throughout the United States, in-
4 cluding, at a minimum, information related
5 to the core academic areas of mathematics,
6 science, reading, as well as education tech-
7 nology.

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

14 “(I) the administration and im-
15 plementation of programs under the
16 Elementary and Secondary Education
17 Act of 1965;

18 “(II) assistance for the imple-
19 mentation of teaching methods and
20 assessment tools based upon scientif-
21 ically valid education research for use
22 by students, teachers, and administra-
23 tors, including, at a minimum, assist-
24 ance related to the core academic
25 areas including mathematics, science,

1 reading, as well as education tech-
2 nology; and

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

10 “(iii) applied research projects de-
11 signed to serve the particular needs of the
12 region if quality applied research does not
13 exist as determined by the regional board,
14 and reflect findings from scientifically valid
15 research resulting in user-friendly,
16 replicable, classroom applications geared
17 toward promoting increased student
18 achievement.

19 “(D) INFORMATION.—Information devel-
20 oped pursuant to the plan developed under sub-
21 paragraph (B) shall be categorized by the level
22 of research the program or practice has
23 achieved through the classification systems es-
24 tablished under section 204(c)(5) of the Sci-

1 Scientifically Based Education Research, Statis-
2 tics, Evaluation, and Information act of 2000.

3 “(E) AUTHORITY.—

4 “(i) IN GENERAL.—To carry out the
5 activities described in subparagraph (C),
6 each regional board may provide grants or
7 enter into contracts or cooperative agree-
8 ments, each of which shall be on a com-
9 petitive basis, with private or public, for
10 profit, or nonprofit research organizations,
11 institutions, agencies, institutions of higher
12 education, individuals, or partnerships
13 among such entities, with the dem-
14 onstrated ability or capacity to carry out
15 the duties under this subsection, including
16 entities that carried out, on the day pre-
17 ceding the date of the enactment of the
18 Scientifically Based Education Research,
19 Statistics, Evaluation, and Information
20 Act, activities under—

21 “(I) part A of title XIII of the
22 Elementary and Secondary Education
23 Act of 1965, Comprehensive Regional
24 Assistance Centers;

1 “(II) part C of title XIII of the
2 Elementary and Secondary Education
3 Act of 1965, Eisenhower Regional
4 Mathematics and Science Education
5 Consortia;

6 “(III) part D of title XIII of the
7 Elementary and Secondary Education
8 Act of 1965, Technology-Based Tech-
9 nical Assistance;

10 “(IV) section 931(c)(1)(B) of
11 Goals 2000, Educate America Act,
12 National Research and Development
13 Centers; and

14 “(V) section 941(h) of Goals
15 2000, Educate America Act, Regional
16 Educational Laboratories for Re-
17 search, Development, Dissemination,
18 and Technical Assistance;

19 “(ii) OBJECTIVES AND INDICATORS.—
20 Prior to making a grant under subpara-
21 graph (E), the board shall design specific
22 objectives and measurable indicators to be
23 used to assess the particular program or
24 initiatives and ongoing progress and per-
25 formance to ensure the needs of the region

1 are being met and that the latest and best
2 research and proven practices are being
3 carried out as part of school improvement
4 efforts;

5 “(F) PRIORITY.—In carrying out activities
6 under this section, each regional board shall
7 give priority to—

8 “(i) schools participating in
9 schoolwide programs under title I of the
10 Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6301 et seq.);

12 “(ii) schools with high percentages of
13 students from families with members eligi-
14 ble for free or reduced price lunches under
15 the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1751 et seq.); and

17 “(iii) schools in rural areas with high
18 levels of poverty.

19 “(G) OTHER DUTIES.—Each regional
20 board also shall—

21 “(i) leverage funds from public and
22 private sources to enable expansion and
23 continuous improvement of its activities;
24 and

1 “(ii) ensure its activities meet the ap-
2 plicable standards of quality and the needs
3 of the region;

4 “(iii) establish such governance, orga-
5 nization, management, administration, and
6 employ such qualified staff as it considers
7 appropriate to carry out its activities.

8 “(3) FUNDING.—

9 “(A) IN GENERAL.—From funds made
10 available under section 302(2), the Secretary
11 shall provide each regional board submitting an
12 application under subparagraph (B), an amount
13 of funding equal, or in proportion to, the level
14 of funding received by such region or similar re-
15 gion, under prior regional assistance programs
16 as described under paragraph (2)(E)(i), of
17 which not more than 7 percent shall be used for
18 indirect costs using generally accepted account-
19 ing principles.

20 “(B) APPLICATION.—Each regional board
21 seeking funds under this section shall submit an
22 application which shall—

23 “(i) describe how the board will carry
24 out the activities in accordance with this
25 paragraph; and

1 “(ii) contain such additional informa-
2 tion as the Secretary may reasonably re-
3 quire.

4 “(4) COORDINATION.—In order to assure co-
5 ordination and prevent unnecessary duplication of
6 activities among the regions, the Director shall es-
7 tablish and maintain a system to—

8 “(A) share information about the activities
9 of each region;

10 “(B) plan joint activities that meet the
11 needs of multiple regions;

12 “(C) create a strategic plan for the devel-
13 opment of activities undertaken by the each re-
14 gion to reduce redundancy and increase collabo-
15 ration and resource-sharing in such activities;
16 and

17 “(D) devise means by which the work of
18 the individual regions serve national, as well as
19 regional education needs.

20 “(5) EVALUATION.—The Director shall provide
21 for ongoing independent evaluations of the regions
22 in carrying out the duties of this subsection, the re-
23 sults of which shall be transmitted to the relevant
24 committees of Congress and the National Board for

1 Education Research, Statistics, Evaluation, and In-
2 formation.

3 “(f) SCHOOL-BASED CUSTOMER DRIVEN TECHNICAL
4 ASSISTANCE.—

5 “(1) RESERVATION.—From funds made avail-
6 able under section 302(2), for any fiscal year, the
7 Secretary shall award grants to States on a competi-
8 tive basis consistent with this subsection.

9 “(2) STATE APPLICATION.—Each State desiring
10 a grant under this subsection shall submit an appli-
11 cation to the Secretary at such time, in such man-
12 ner, and containing such information the Secretary
13 may require. Each such application shall describe
14 how—

15 “(A) the State shall give priority to local
16 educational agencies and schools—

17 “(i) participating in schoolwide pro-
18 grams under title I of the Elementary and
19 Secondary Education Act of 1965;

20 “(ii) with high percentages of students
21 from families with members eligible for
22 free or reduced price lunches under the
23 Richard B. Russell National School Lunch
24 Act (42 U.S.C. 1751 et seq.); and

1 “(iii) in rural areas with high levels of
2 poverty;

3 “(B) help educators become better con-
4 sumers of education research by assisting them
5 in evaluating the quality of research;

6 “(C) the State shall ensure that activities
7 are coordinated with the services available
8 under the National Education Library and
9 Clearinghouse Office and the regional boards
10 established in subsection (b); and

11 “(D) assist schools in evaluating education
12 services to ensure they are cost-effective and re-
13 flect the best information available for research
14 and practice based upon scientifically valid re-
15 search;

16 “(3) LOCAL GRANTS.—

17 “(A) IN GENERAL.—Each State that re-
18 ceives a grant under this subsection shall use
19 not less than 95 percent of such funds to award
20 grants on a competitive basis to local edu-
21 cational agencies to provide such agencies with
22 the opportunity to choose technical assistance
23 from high quality providers able to meet the
24 particular needs of such agency with a priority
25 for local educational agencies with a high per-

1 centage of students from families with members
2 eligible for free or reduced price lunches under
3 the Richard B. Russell National School Lunch
4 Act (42 U.S.C. 1751 et seq.).

5 “(B) LOCAL APPLICATION.—Each local
6 educational agency that desires a grant under
7 this subsection shall submit an application to
8 the State at such time, in such manner, and
9 containing such information as the Secretary
10 may require. Each application shall describe—

11 “(i) the local educational agency’s
12 need for technical assistance; and

13 “(ii) how the local educational agency
14 will use funds provided under this sub-
15 section to coordinate all its various sources
16 of funds for technical assistance into an in-
17 tegrated system for acquiring and using
18 outside technical assistance and other
19 means of building its own capacity to pro-
20 vide the opportunity for all children to
21 achieve to challenging State academic con-
22 tent standards.

23 “(C) LOCAL USES OF FUNDS.—Each local
24 educational agency receiving funds under this
25 subsection may use such funds to—

1 “(i) build capacity to use technical as-
2 sistance funds provided under this sub-
3 section effectively through the acquisition
4 of technical assistance based upon scientif-
5 ically valid education research.

6 “(ii) develop, coordinate, and imple-
7 ment an integrated system of providing
8 technical assistance to its schools using all
9 available sources of funds provided for
10 technical assistance; and

11 “(iii) acquire the technical assistance
12 the agency needs to increase opportunities
13 for all children to achieve to challenging
14 State academic content standards.”.

15 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated to carry out
17 this title, \$122,393,000 for fiscal year 2002, and such
18 sum as may be necessary for each of the 4 subsequent
19 fiscal years, of which—

20 (1) \$4,390,000 shall be available to carry out
21 subsections (c) and (d) of section 301, in addition to
22 any other funds made available by the Secretary;
23 and

1 (2) \$118,000,000 shall be available to carry out
2 subsections (e) and (f) of section 301, of which not
3 less than 10 percent shall be for subsection (f).

4 **TITLE IV—MISCELLANEOUS** 5 **PROVISIONS**

6 **SEC. 401. TRANSITION PROVISIONS.**

7 (a) **AUTHORITY.**—The Director of the Office of Man-
8 agement and Budget shall determine and take appropriate
9 measures to ensure an orderly transition of the activities
10 described in this Act previously administered through the
11 Department of Education and transferred under this Act.

12 (b) **ASSETS.**—Except as otherwise provided in this
13 Act, so much of the personnel, property, records, and un-
14 expended balances of appropriations, allocations, and
15 other funds employed, used, held, available, or to be made
16 available in connection with a function transferred to an
17 official or agency by this Act shall be available to the offi-
18 cial or the head of that agency, respectively, at such time
19 or times as the Director of the Office of Management and
20 Budget directs for use in connection with the functions
21 transferred.

22 (c) **FUNCTIONS.**—

23 (1) **DETERMINATIONS.**—If necessary, the Di-
24 rector shall make any determination of the functions
25 that are transferred under this Act.

1 (2) INCIDENTAL TRANSFERS.—The Director, at
2 such time or times as the Director shall provide,
3 may make such determinations as may be necessary
4 with regard to the functions transferred by this Act,
5 and to make such additional incidental dispositions
6 of personnel, assets, liabilities, grants, contracts,
7 property, records, and unexpended balances of ap-
8 propriations, authorizations, allocations, and other
9 funds held, used, arising from, available to, or to be
10 made available in connection with such functions, as
11 may be necessary to carry out the provisions of this
12 Act. The Director shall provide for the termination
13 of the affairs of all entities terminated by this Act
14 and for such further measures and dispositions as
15 may be necessary to effectuate the purposes of this
16 Act.

17 (d) DEFINITION.—For purposes of this title, the term
18 “Director” means the Director of the Office of Manage-
19 ment and Budget.

20 **SEC. 402. REPEALS.**

21 (a) EDUCATIONAL RESEARCH AND IMPROVEMENT.—

22 (1) IN GENERAL.—The Educational Research,
23 Development, Dissemination, and Improvement Act
24 of 1994 (20 U.S.C. 6001 et seq.) is repealed.

1 (2) CONFORMING AMENDMENTS.—(A) Section
2 202(b) of the Department of Education Organiza-
3 tion Act (20 U.S.C. 3412(b)) is amended by striking
4 paragraph (3).

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

7 (i) by striking section 208; and

8 (ii) in section 1 in the table of contents, by
9 striking the item relating to section 208.

10 (C) Section 1(b) of the Goals 2000: Educate
11 America Act (20 U.S.C. 5801 et seq.) is amended in
12 the table of contents by striking the items relating
13 to parts A through E of title IX.

14 (D) Title XIII of the Goals 2000: Educate
15 America Act is repealed.

16 (b) FEDERAL EVALUATIONS, DEMONSTRATIONS,
17 AND TRANSITION PROJECTS.—

18 (1) IN GENERAL.—Part E of title I of the Ele-
19 mentary and Secondary Education Act of 1965 (20
20 U.S.C. 6491 et seq.) is repealed.

21 (2) CONFORMING AMENDMENT.—Section 1002
22 of the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 6302) is amended by striking sub-
24 section (g).

25 (c) NATIONAL EDUCATION STATISTICS.—

1 (1) IN GENERAL.—The National Education
2 Statistics Act of 1994 (title IV of the Improving
3 America’s Schools Act of 1994; 20 U.S.C. 9001 et
4 seq.) is repealed.

5 (2) CONFORMING AMENDMENTS.—(A) Section
6 5315 of title 5, United States Code, is amended by
7 striking the following:

8 “Commissioner, National Center for Education
9 Statistics.”.

10 (B) Section 447(b) of the General Education
11 Provisions Act (20 U.S.C. 1232j) is amended by
12 striking “section 404(a)(6) of the National Edu-
13 cation Statistics Act of 1994” and inserting “section
14 225(a)(6) of the Scientifically Based Education Re-
15 search, Statistics, Evaluation, and Information Act
16 of 2000”.

17 (C) Section 5307 of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C. 7267) is
19 repealed.

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