

106TH CONGRESS  
2D SESSION

# H. R. 4994

To reauthorize and improve the educational research and statistical programs of the Department of Education, including the National Institute for Education Research, the National Center for Education Statistics, the National Assessment of Educational Progress, the National Assessment Governing Board, and America's Tests in Reading and Mathematics, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. KILDEE (by request): introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To reauthorize and improve the educational research and statistical programs of the Department of Education, including the National Institute for Education Research, the National Center for Education Statistics, the National Assessment of Educational Progress, the National Assessment Governing Board, and America's Tests in Reading and Mathematics, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Education  
3 Research and Statistics Act of 2000”.

4 **SEC. 2. ORGANIZATION OF THE ACT.**

5 This Act is organized into the following titles:

6 **TITLE I—NATIONAL EDUCATION**  
7 **RESEARCH ACT**

8 **TITLE II—NATIONAL EDUCATION**  
9 **STATISTICS ACT**

10 **TITLE III—AMENDMENTS TO**  
11 **OTHER ACTS.**

12 **SEC. 3. EFFECTIVE DATE; TRANSITION.**

13 (a) **EFFECTIVE DATE.**—This Act shall take effect on  
14 October 1, 2000.

15 (b) **TRANSITION.**—The Secretary shall take such ac-  
16 tions as the Secretary determines to be appropriate to pro-  
17 vide for a smooth transition for programs and activities  
18 authorized under the National Education Statistics Act of  
19 1994 to programs and activities under this Act.

20 **TITLE I—NATIONAL EDUCATION**  
21 **RESEARCH ACT**

22 **SEC. 101. SHORT TITLE.**

23 This title may be cited as the “National Education  
24 Research Act”.

25 **SEC. 102. FINDINGS; DECLARATION OF POLICY; PURPOSE.**

26 (a) **FINDINGS.**—The Congress finds as follows:

1           (1) All students can learn challenging content  
2           and achieve to high academic standards.

3           (2) Policymakers, parents, and the public ex-  
4           pect schools to be accountable for helping all stu-  
5           dents reach high academic standards, so that they  
6           have the knowledge and skills necessary for good  
7           citizenship and success in our increasingly competi-  
8           tive world.

9           (3) The American education system is faced  
10          with many challenges in helping every student reach  
11          or exceed high academic standards.

12          (4) In recent years, nearly all groups of stu-  
13          dents have made gains on the National Assessment  
14          of Educational Progress. However, significant  
15          achievement gaps persist between students in high-  
16          poverty and low-poverty schools, and between white  
17          and non-white students, in basic areas such as read-  
18          ing and mathematics.

19          (5) High-quality research and development are  
20          necessary to help educators and policymakers build  
21          more effective policies and practices.

22          (6) There is a long history of education re-  
23          search being used to improve teaching and learning,  
24          such as research on effective schools, how people  
25          learn to read and solve mathematical problems, as-

1        assessment, and standards-based reform, but much  
2        more knowledge from research is needed to address  
3        current challenges.

4            (7) Less than 0.2 percent of our Nation's ex-  
5        penditures for elementary and secondary education  
6        is invested in research and development to determine  
7        which educational techniques work and to find ways  
8        to improve them.

9            (8) Investments in education research have  
10       been spread too thinly to meaningfully affect the  
11       work of many educators in the field.

12           (9) Research investments must be focused so  
13       that knowledge about how to address enduring edu-  
14       cation problems cumulates in a useful form.

15           (10) New methods and field-based strategies in  
16       education research are needed to promote the forma-  
17       tion of partnerships between researchers and practi-  
18       tioners to support the experimentation and the ap-  
19       plication of knowledge needed to solve education  
20       problems.

21           (11) Better coordination of research activities  
22       and synthesis of research findings and results are  
23       needed to maximize the impact of education research  
24       conducted throughout the Department and by other  
25       Federal agencies.

1           (b) DECLARATION OF POLICY.—(1) The Congress  
2 hereby declares it to be the policy of the United States  
3 to provide every person an equal opportunity to receive  
4 an education of high quality regardless of his or her race,  
5 color, religion, sex, age, disability, national origin, sexual  
6 orientation, or economic condition. Although the American  
7 education system has pursued this objective, it has not yet  
8 attained it, and inequalities of opportunity to receive high-  
9 quality education remain pronounced. Achieving this ob-  
10 jective will require far more dependable knowledge about  
11 the processes of learning and education than now exists,  
12 or can be expected from present research and experimen-  
13 tation in this field. While the direction of the education  
14 system remains primarily the responsibility of State and  
15 local governments, the Federal government has a clear re-  
16 sponsibility to provide leadership in the conduct and sup-  
17 port of scientific inquiry into the educational process.

18           (2) The Congress further declares it to be the policy  
19 of the United States to—

20                   (A) help to solve the problems of American edu-  
21 cation and to promote sustained improvement of ele-  
22 mentary and secondary, postsecondary, and adult  
23 education;

24                   (B) advance the practice of education as an art,  
25 science, and profession;

1           (C) strengthen the scientific and technological  
2 foundations of education; and

3           (D) build an effective education research and  
4 development system.

5       (c) PURPOSE.—The purposes of this title are to—

6           (1) respond to the need and growing demand of  
7 both educators and the general public for depend-  
8 able, relevant, research- and theory-based knowledge  
9 and information to improve education and student  
10 achievement;

11          (2) create a permanent and stable authority for  
12 building a strong knowledge base to improve edu-  
13 cation through Federal support of education re-  
14 search;

15          (3) focus federally supported education research  
16 on solving problems faced by State and local edu-  
17 cators, particularly those problems related to im-  
18 proving the achievement of students at risk of edu-  
19 cational failure;

20          (4) promote the effective use of resources for  
21 education research by concentrating those resources  
22 on a limited number of priorities in order to ensure  
23 the cumulation and organization of useful knowl-  
24 edge;

1           (5) ensure rigor and high quality in federally  
2 supported education research;

3           (6) promote the use of new, effective, and ap-  
4 propriate strategies and methods in the conduct of  
5 education research;

6           (7) provide for expert guidance and assistance  
7 in planning, managing, and evaluating federally sup-  
8 ported education research;

9           (8) enhance the national capacity to conduct  
10 high-quality education research that fosters and sup-  
11 ports improvement in education practice and policy;

12           (9) promote new partnerships among research-  
13 ers and practitioners to solve education problems;  
14 and

15           (10) ensure that knowledge from research is  
16 widely disseminated to educators and policymakers  
17 at the national, State, and local level, as well as to  
18 the general public, and incorporated into federally  
19 supported technical assistance efforts.

20 **PART A—NATIONAL INSTITUTE FOR EDUCATION**  
21 **RESEARCH**

22       SEC. 111. (a) MISSION.—It shall be the mission of  
23 the National Institute for Education Research (hereinafter  
24 in this title referred to as “the Institute”) to promote ex-  
25 cellence and equity in education by providing national

1 leadership for high-quality research and development re-  
2 lated to education. In pursuing its mission, the Institute  
3 shall strive to help the American education system, from  
4 preschool through postsecondary and adult education,  
5 learn how to enable all students to meet or exceed chal-  
6 lenging academic standards and master the skills they will  
7 need to lead satisfying and productive lives, while func-  
8 tioning effectively in our democracy and modern economy.

9       (b) **AUTHORITY.**—The Institute established under  
10 section 208 of the Department of Education Organization  
11 Act shall have only the authority provided by part B of  
12 this title, except that the Secretary of Education may as-  
13 sign the Institute responsibility for administering other  
14 programs and activities of the Department, if the National  
15 Education Research Board established by section 112  
16 agrees that those programs and activities are consistent  
17 with the Institute’s mission and will contribute to the de-  
18 velopment of knowledge or strategies for improving edu-  
19 cation.

20       (c) **PRIORITIES.**—(1) The Institute shall, in accord-  
21 ance with this title, seek to improve education in the  
22 United States by concentrating the resources of the Insti-  
23 tute on the following education research and development  
24 needs:

1           (A) Improving the teaching and learning of  
2 reading, writing, mathematics, and other academic  
3 subjects for students from a broad diversity of back-  
4 grounds, particularly those children most at risk of  
5 educational failure, from early childhood through  
6 postsecondary and adult education.

7           (B) Improving the ability of schools, school dis-  
8 tricts, and States to implement reforms and sustain  
9 improvement efforts successfully, such as State  
10 standards-based reforms, school choice, and reforms  
11 to improve the quality of teaching and the safety of  
12 the educational environment.

13           (C) Using new knowledge from research from a  
14 variety of disciplines, such as research on the devel-  
15 opment of the brain, use of advanced information  
16 technologies, building effective organizations, and  
17 understanding how to motivate and engage students  
18 in their studies, to design effective education strate-  
19 gies, practices, and policies.

20           (2) The Director of the Institute, appointed under  
21 subsection (d), shall establish, with the approval of the  
22 National Education Research Board, a limited number of  
23 specific, long-term priorities to focus and guide the Insti-  
24 tute's programs of research.

1           (3) The Director shall make an award to an applicant  
2 to address specific priorities under paragraph (2) only if  
3 the Director determines that the applicant's choice of re-  
4 search methods and strategies is appropriate and effective.  
5 Such methods may include small- or large-scale experi-  
6 ments and longitudinal studies.

7           (4) The Director shall make the priorities under this  
8 section available to the public on the World Wide Web,  
9 along with the Institute's plan for addressing those prior-  
10 ities. The Director shall annually update the plan as new  
11 work is initiated and findings or results from prior and  
12 ongoing work become available.

13           (d) DIRECTOR OF THE INSTITUTE.—The Director of  
14 the Institute shall be appointed in accordance with section  
15 202(b)(4) of the Department of Education Organization  
16 Act, as redesignated by section 301(a)(1)(A) of this Act,  
17 for a six-year term beginning July 1, 2001. The Director  
18 shall report to the Secretary and shall, consistent with this  
19 title, implement such policies as the National Education  
20 Research Board may prescribe, subject to the supervision  
21 of the Secretary.

22           (e) SENIOR SCIENTIST.—The Director shall appoint  
23 a Senior Scientist to serve as the senior research expert  
24 in the Institute to advise the Director and staff of the  
25 Institute on—

1           (1) scientific and technical standards to govern  
2           the activities of the Institute and the research it  
3           supports;

4           (2) the planning and design of programs of re-  
5           search to be supported by the Institute;

6           (3) the quality and rigor of research supported  
7           by the Institute; and

8           (4) other matters related to ensuring high qual-  
9           ity in the activities of the Institute.

10          (f) APPOINTMENT OF EMPLOYEES.—(1)(A) The Di-  
11          rector may appoint, for limited terms, or on a temporary  
12          basis, without regard to provisions of title 5 of the United  
13          States Code governing appointments in the competitive  
14          service and may compensate, without regard to the provi-  
15          sions of chapter 51 and subchapter III of chapter 53 of  
16          such title relating to classification and General Schedule  
17          pay rates, such research specialists (such as social sci-  
18          entists, economists, psychologists, sociologists, operations  
19          researchers, mathematicians, statisticians, computer sci-  
20          entists, and education researchers) of the Institute as he  
21          or she considers necessary to accomplish its functions.  
22          Such appointments may not exceed 60 employees of the  
23          Institute.

24          (B) The Institute may pay travel and transportation  
25          expenses for persons appointed under subparagraph (A)

1 to the extent permitted under section 14(a)(3) of the Na-  
2 tional Science Foundation Act of 1950 (42 U.S.C.  
3 1873(a)(3)).

4 (2) In order to strengthen the national capacity to  
5 carry out high-quality research related to education, the  
6 Director may establish and maintain research fellowship  
7 in the Institute, with such stipends and allowances, includ-  
8 ing travel and subsistence expenses, as the Director may  
9 determine necessary to obtain the assistance of highly  
10 qualified research fellows from the United States and  
11 abroad.

12 (g) STANDARDS AND PEER REVIEW.—(1) The Insti-  
13 tute shall maintain published standards (including publi-  
14 cation on the World Wide Web) to ensure high quality in  
15 its work, which shall include, at a minimum, standards  
16 for evaluating—

17 (A) proposals for research and development ac-  
18 tivities;

19 (B) ongoing research and development activities  
20 conducted or supported by the Institute, including  
21 the synthesis of findings and results;

22 (C) practices, programs, and products for des-  
23 ignation as exemplary or promising; and

24 (D) reports, publications, and other products.

1           (2) The Institute shall develop peer-review procedures  
2 to govern all major aspects of its work and operations.

3 At a minimum, peer review shall be used to evaluate—

4           (A) proposals for funding;

5           (B) the performance of grantees and contrac-  
6 tors;

7           (C) programs, practices, and products for des-  
8 ignation as promising or exemplary; and

9           (D) reports and publications.

10          (3) All published standards and peer-review proce-  
11 dures shall be approved by the National Education Re-  
12 search Board prior to use.

13 **SEC. 112. NATIONAL RESEARCH BOARD.**

14          (a) IN GENERAL.—(1) The National Education Re-  
15 search Board (hereinafter referred to as “the Board”)  
16 shall consist of 15 members appointed by the President,  
17 by and with the advice and consent of the Senate. In addi-  
18 tion, the Board shall include such other ex officio members  
19 who are officers of the United States as the President may  
20 designate, including the Director of the Institute and the  
21 Commissioner of the National Center for Education Sta-  
22 tistics, but such members shall not have a vote on the  
23 Board. A majority of the appointed members of the Board  
24 shall constitute a quorum. A voting member of the Board  
25 shall be considered a special government employee. The

1 Chairman of the Board shall be appointed by the Presi-  
2 dent.

3 (2) In appointing members of the Board, the Presi-  
4 dent shall—

5 (A) ensure that the Board is broadly represent-  
6 ative of the general public, including the business  
7 community and education professions, and includes  
8 practitioners and researchers from various dis-  
9 ciplines and the various fields of education (includ-  
10 ing preschool, elementary and secondary, postsec-  
11 ondary, and adult education);

12 (B) ensure that Board members are chosen to  
13 bring their independent, professional judgment to  
14 bear on issues of national interest rather than to  
15 represent the interests of organizations and associa-  
16 tions; and

17 (C) give due regard to equitable representation  
18 of women and minorities and to recommendations  
19 for nominations that may be submitted by the Na-  
20 tional Academy of Sciences and the National Acad-  
21 emy of Education.

22 (b) TERM OF OFFICE.—(1) Except as provided in  
23 paragraphs (2) and (3), members (other than ex officio  
24 members) shall be appointed to a term of six years. The  
25 term of office of each member shall expire on September

1 30th of the year in which that term would otherwise ex-  
2 pire, unless a successor to that member has not been ap-  
3 pointed and confirmed by the Senate, in which case the  
4 member shall continue to serve until a successor has been  
5 appointed and confirmed.

6 (2) Any member appointed to fill a vacancy occurring  
7 before the expiration of the term for which the predecessor  
8 was appointed shall be appointed only for the remainder  
9 of such term. A member may serve after the expiration  
10 of a term until a successor has taken office.

11 (3) Of the members first appointed—

12 (A) five shall be appointed for terms of two  
13 years;

14 (B) five shall be appointed for terms of four  
15 years; and

16 (C) five shall be appointed for terms of six  
17 years.

18 (4) An appointed member who has been a member  
19 of the Board for six consecutive years shall be ineligible  
20 for appointment to the Board during the two-year period  
21 following the expiration of the sixth year.

22 (c) DUTIES.—The Board shall—

23 (1) establish policy guidelines for the Institute;

24 (2) consider and approve priorities and stand-  
25 ards to guide and govern the work of the Institute;

1           (3) review and approve peer-review procedures  
2           adopted by the Institute;

3           (4) advise the Director of the Institute on the  
4           development of activities to be supported by the In-  
5           stitute;

6           (5) present to the Director such recommenda-  
7           tions as it may find appropriate for—

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

10                (B) the improvement of methods of  
11                collecting and disseminating the findings of  
12                education research; and

13                (C) promoting the implementation of edu-  
14                cation reform based on the findings of edu-  
15                cation research;

16           (6) submit, no later than March 31 of each  
17           year, a report to the President and the Congress on  
18           the activities, management, and performance of the  
19           Institute and on education and education research in  
20           general, which shall include such recommendations  
21           and comments as the Board may find appropriate;  
22           and

23           (7) meet at the call of the Chairman, except  
24           that it shall meet at least twice each fiscal year, or

1           whenever one-third of the members request in writ-  
2           ing that a meeting be held.

3           (d) BOARD STAFF.—The Director may, after con-  
4           sultation with the Chairman of the Board, appoint a staff  
5           consisting of not more than three professional staff mem-  
6           bers and such clerical staff as may be necessary.

7           (e) BOARD MEETINGS.—Portions of Board meetings  
8           in which the Board considers proposed Institute budgets  
9           for a particular fiscal year may be closed to the public  
10          until the President's budget for that fiscal year has been  
11          submitted to the Congress.

12          **SEC. 113. EXPERT GUIDANCE AND ASSISTANCE.**

13          (a) STUDY PANELS.—The Director shall establish  
14          one or more panels of experts to provide ongoing advice  
15          to the Institute in its planning, management, and evalua-  
16          tion of major programs of research and development.  
17          These panels shall include researchers from relevant dis-  
18          ciplines who have strong theoretical and methodological  
19          backgrounds, and may include, as appropriate, policy-  
20          makers and expert practitioners who have special insight  
21          into the conduct of education research. The researchers,  
22          policymakers, and practitioners who comprise these panels  
23          shall include persons with expertise in the teaching and  
24          learning of students at risk of educational failure, includ-

1 ing students with disabilities and students with limited  
2 proficiency in English.

3 (b) PANEL RESPONSIBILITIES.—Responsibilities of  
4 the study panels shall include one or more of the following:

5 (1) Providing advice on the planning and design  
6 of coherent programs of research and development  
7 to address particular problems and Institute prior-  
8 ities.

9 (2) Evaluating and providing advice on the rela-  
10 tionships between research and development pro-  
11 posals and the Institute’s priorities and objectives.

12 (3) Providing advice regarding ongoing pro-  
13 grams.

14 (4) Evaluating ongoing programs on a periodic  
15 basis.

16 (5) Reviewing research findings and syntheses.

17 (c) DIRECTOR’S RESPONSIBILITIES.—(1) Study pan-  
18 els shall report to the Director.

19 (2) The Director shall report periodically to the Na-  
20 tional Education Research Board regarding the activities,  
21 assessments, and recommendations of the study panels.

22 **SEC. 114. ADMINISTRATIVE PROVISIONS.**

23 (a) RULEMAKING.—The exemption for public prop-  
24 erty, loans, grants, and benefits in section 553(a)(2) of

1 title 5, United States Code, shall apply to regulations pro-  
2 mulgated by the Institute.

3 (b) AUTHORITY TO PUBLISH.—(1) The Institute  
4 may prepare and publish such research-based information  
5 and research reports as needed to aid in carrying out its  
6 mission without further clearance or approval by other of-  
7 fices of the Department, except that the Director shall  
8 provide such offices the opportunity to comment on re-  
9 ports relevant to their areas of responsibility.

10 (2) All such information and reports shall—

11 (A) be subjected to rigorous peer review prior  
12 to being published or otherwise made available by  
13 the Institute; and

14 (B) include the names of its peer reviewers.

15 (c) INDEPENDENT EVALUATION.—At least once  
16 every five years, the Director shall enter into one or more  
17 contracts for the conduct of an independent evaluation of  
18 the activities of the Institute. This evaluation shall include  
19 an analysis of the performance indicators and performance  
20 plan of the Institute, as required by the Government Per-  
21 formance and Results Act of 1993.

22 (d) COORDINATION.—The Director and the Commis-  
23 sioner of Education Statistics shall work together to co-  
24 ordinate the activities of the National Institute for Edu-

1 cation Research and the National Center for Education  
2 Statistics.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—(1)

4 There are authorized to be appropriated for each fiscal  
5 year such sums as may be necessary to carry out this title,  
6 including necessary salaries and expenses.

7 (2) Not more than \$2,000,000 of the appropriation  
8 under paragraph (1) for any fiscal year shall be used to  
9 support the National Education Research Board.

10 (3) Funds appropriated to carry out this title shall  
11 remain available for obligation for two fiscal years.

12 **PART B—ACTIVITIES OF THE INSTITUTE**

13 SEC. 121. (a) AUTHORIZED ACTIVITIES.—The Na-  
14 tional Institute for Education Research is authorized to—

15 (1) conduct and support high-quality research  
16 activities, including small- and large-scale experi-  
17 ments, longitudinal studies, controlled demonstra-  
18 tions to test promising practices in a variety of edu-  
19 cational settings, design and development activities,  
20 evaluations, and research syntheses;

21 (2) synthesize and disseminate the findings and  
22 results of education research conducted or supported  
23 by the Institute;

1           (3) promote the application of knowledge gained  
2 from research in schools, other educational agencies  
3 and institutions, homes, and communities;

4           (4) identify and disseminate information about  
5 promising and effective educational practices, pro-  
6 grams, and products for which there is clear evi-  
7 dence of effectiveness;

8           (5) strengthen the national capacity to conduct  
9 innovative and rigorous research by supporting  
10 training for education researchers from a wide vari-  
11 ety of scientific disciplines;

12           (6) promote the coordination of education re-  
13 search and related activities within the Department  
14 of Education and the Federal Government, and with  
15 education research conducted outside the Federal  
16 Government, as well as otherwise assisting and fos-  
17 tering education research;

18           (7) design and use new methods and strategies  
19 to conduct research and development activities that  
20 improve education; and

21           (8) carry out and support activities that meet  
22 the mission of the Institute and the purposes of this  
23 title.

1 (b) IMPLEMENTATION.—The Institute may carry out  
2 the activities authorized in subsection (a) directly or  
3 through grants, contracts, and cooperative agreements.

4 **SEC. 122. NATIONAL RESEARCH AND DEVELOPMENT CEN-**  
5 **TERS.**

6 (a) IN GENERAL.—In carrying out its mission, the  
7 Institute shall support not more than 10 national research  
8 and development centers to carry out coherent, sustained,  
9 long-term research to advance theory and practice related  
10 to core issues and concerns within their particular mission  
11 areas. Each center shall have a mission area that is di-  
12 rectly related to the specific priorities of the Institute es-  
13 tablished under section 111(c)(2), and shall serve as a  
14 source of expert knowledge about its particular mission  
15 area.

16 (b) AWARDS.—(1) The Institute shall make awards  
17 under this section to institutions of higher education or  
18 nonprofit research organizations on a competitive basis for  
19 five years and may renew these awards for one additional  
20 5-year period, based on its satisfactory performance (as  
21 determined by the Institute in accordance with subsection  
22 (c)) and continuing relevance of its research to an estab-  
23 lished priority of the Institute.

24 (2) Awards under this section shall be of sufficient  
25 size and scope to support the range of research, develop-

1 ment, and dissemination activities appropriate to the par-  
2 ticular mission areas of the centers.

3 (c) REVIEW AND PROGRESS.—(1) Prior to making an  
4 award, the Institute and the center shall agree on specific  
5 objectives and measurable indicators that shall be used to  
6 assess the progress and performance of the center.

7 (2) The Institute shall provide for peer review of the  
8 performance of research and development centers at least  
9 three times during the 5-year period of their awards.

10 **SEC. 123. FIELD-INITIATED EDUCATION RESEARCH.**

11 (a) PRIORITIES.—(1) In carrying out the activities  
12 under section 121(a), the Institute shall support field-  
13 initiated studies that address the priority research and devel-  
14 opment needs set forth in section 111(c)(1).

15 (2) The Director, with the approval of the Board,  
16 may require field-initiated studies to address the specific  
17 priorities of the Institute established under section  
18 111(c)(2).

19 (b) UNSOLICITED APPLICATIONS.—The Institute  
20 may fund applications submitted in response to an an-  
21 nouncement or unsolicited applications.

22 **SEC. 124. REGIONAL EDUCATIONAL LABORATORIES.**

23 (a) IN GENERAL.—(1) The Institute shall support  
24 not more than 10 regional educational laboratories to con-  
25 duct applied research, develop strategies, programs, and

1 materials, and provide technical assistance in response to  
2 the specific needs of schools, districts, and State edu-  
3 cational agencies related to helping all students meet high  
4 academic standards.

5 (2) Laboratories under this section shall ensure that  
6 the products and services they provide help schools, dis-  
7 tricts, and State educational agencies take advantage of  
8 the latest and best research and proven practices in car-  
9 rying out their school improvement efforts.

10 (3) A laboratory under this section shall be a public  
11 or private nonprofit organization or institution.

12 (b) AWARDS.—(1) The Institute shall make 5-year  
13 awards under this section on a competitive basis.

14 (2) Prior to making an award, the Institute and the  
15 laboratory shall agree on specific objectives and measur-  
16 able indicators to be used to assess the progress and per-  
17 formance of the laboratory, and the laboratory shall agree  
18 to issue annual public reports measuring its progress  
19 against these objectives and indicators.

20 (c) GOVERNING BOARD.—(1) Each laboratory under  
21 this section shall have a governing board that reflects a  
22 balanced representation of the States in its region and in-  
23 cludes teachers, researchers, and education policymakers.

24 (2) The governing board shall determine the agenda  
25 of the laboratory, consistent with any priorities established

1 by the Institute, and shall ensure that the work of the  
2 laboratory addresses customer demand and the identified  
3 needs of the schools, local educational agencies, and State  
4 educational agencies within the laboratory's region.

5 (d) TECHNICAL ASSISTANCE.—(1) In providing tech-  
6 nical assistance, laboratories under this section shall—

7 (A) give priority to providing intensive, ongoing  
8 services to high-poverty local educational agencies  
9 and schools that are most in need of raising student  
10 achievement; and

11 (B) help practitioners to become better con-  
12 sumers of education research by assisting them in  
13 evaluating the quality of research and applying re-  
14 search findings to efforts to address current needs.

15 (2) Laboratories under this section shall participate  
16 in a technical assistance network with the Department and  
17 its other federally supported technical assistance providers  
18 in order to—

19 (A) coordinate services and resources;

20 (B) ensure that the services provided are of  
21 high quality, are cost-effective, and reflect the best  
22 information available from research and practice, in-  
23 cluding findings from the national research and de-  
24 velopment centers under section 122; and

1 (C) ensure that services are aligned with State  
2 and local education reform efforts.

3 (e) PEER REVIEW.—The Institute shall provide for  
4 peer review of—

5 (1) the performance of each laboratory under  
6 this section at least three times during the 5-year  
7 period of its award; and

8 (2) the overall effectiveness of the program au-  
9 thorized by this section at least once every 5 years.

10 **SEC. 125. EDUCATIONAL RESOURCES INFORMATION CEN-**  
11 **TER.**

12 (a) EDUCATIONAL RESOURCES INFORMATION CEN-  
13 TER.—(1) The Institute shall maintain and support a sys-  
14 tem of information clearinghouses that uses the World  
15 Wide Web and other advanced telecommunications tech-  
16 nologies to make high-quality, research-based information  
17 related to education available to teachers, administrators,  
18 policymakers, parents, researchers, students, and the pub-  
19 lic.

20 (2) Clearinghouses under this section shall partici-  
21 pate in a technical assistance network with the Depart-  
22 ment and its other federally supported technical assistance  
23 providers in order to—

24 (A) coordinate services and resources;

1 (B) ensure that the services provided are cost-  
2 effective and of high quality;

3 (C) ensure that the services reflect the best in-  
4 formation available from research and practice, in-  
5 cluding findings from national research and develop-  
6 ment centers and regional educational laboratories;  
7 and

8 (D) ensure that services are aligned with State  
9 and local reform efforts.

10 (b) PEER REVIEW.—The Institute shall provide for  
11 peer review of—

12 (1) the performance of each clearinghouse at  
13 least three times during the 5-year period of its  
14 award; and

15 (2) the effectiveness of the program authorized  
16 by this section at least once every five years.

17 **SEC. 126. NATIONAL LIBRARY OF EDUCATION.**

18 National Library of Education.—The Institute shall  
19 maintain a national library of education to help build the  
20 Nation’s education research infrastructure. The library  
21 shall make information related to education available to  
22 employees of the Department, its contractors and grant-  
23 ees, other Federal agencies and employees, and members  
24 of the public. The Institute shall coordinate the activities

1 of the library with other dissemination and technical as-  
2 sistance activities of the Department.

3 **TITLE II—NATIONAL EDUCATION**  
4 **STATISTICS ACT**

5 **SEC. 201. SHORT TITLE.**

6 Section 401 of the Improving America’s Schools Act  
7 of 1994 (20 U.S.C. 9001 et seq.; hereinafter in this title  
8 referred to as the “Act”) is amended by—

9 (1) striking out “title” and inserting in lieu  
10 thereof “Act”; and

11 (2) striking out “of 1994”.

12 **SEC. 202. FINDINGS; DEFINITIONS.**

13 Section 402 of the Act is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (2)—

16 (i) by striking out “within the Office  
17 of Educational Research and Improve-  
18 ment”; and

19 (ii) at the end thereof, by striking out  
20 “and”;

21 (B) in paragraph (3), by—

22 (i) striking out “looking to” and in-  
23 sserting in lieu thereof “entering”; and

24 (ii) redesignating paragraph (3) as  
25 paragraph (6); and

1 (C) by adding new paragraphs (3), (4),  
2 and (5) to read as follows:

3 “(3) the availability of valid and timely data,  
4 delivered in widely accessible formats, provides pol-  
5 icymakers, educators, parents, and the public nec-  
6 essary information to make decisions based on  
7 school, student, and teacher needs and better sup-  
8 ports the implementation of more effective policies  
9 and practices to improve education opportunities for  
10 all children;

11 “(4) as schools, districts, States, and the De-  
12 partment continue to move to performance-based  
13 systems, where accountability and improvement ef-  
14 forts are driven by student and school outcomes,  
15 comprehensive and accurate information and data on  
16 such outcomes become increasingly important;

17 “(5) recent technological advances permit more  
18 efficient and effective strategies for the collection,  
19 analysis, reporting and dissemination, and  
20 warehousing of data, thereby enhancing the timeli-  
21 ness and usability of the data; and”;

22 (2) in subsection (c)—

23 (A) by striking out paragraph (1); and

1 (B) by redesignating paragraphs (2)  
2 through (7) as paragraphs (1) through (6), re-  
3 spectively.

4 **SEC. 203. NATIONAL CENTER FOR EDUCATION STATISTICS.**

5 Section 403 of the Act is amended—

6 (1) in subsection (a), by striking out “the Of-  
7 fice of Educational Research and Improvement es-  
8 tablished under section 208 of the Department of  
9 Education Organization Act” and inserting in lieu  
10 thereof “the Department of Education”;

11 (2) in subsection (b)—

12 (A) by amending the subsection heading to  
13 read as follows: “COMMISSIONER, DEPUTY  
14 COMMISSIONER, AND ASSOCIATE COMMIS-  
15 SIONERS.”;

16 (B) by amending paragraph (1)(C) to read  
17 as follows:

18 “(C) serve a term of four years, with the  
19 terms to expire every fourth July 1st, beginning  
20 in 2003.”; and

21 (C) by amending paragraph (2) to read as  
22 follows:

23 “(2) DEPUTY COMMISSIONER AND ASSOCIATE  
24 COMMISSIONERS.—The Commissioner may appoint a  
25 Deputy Commissioner and such Associate Commis-

1 sioners as the Commissioner determines are nec-  
2 essary and appropriate.”;

3 (3) by redesignating subsection (b) as sub-  
4 section (c);

5 (4) by adding a new subsection (b) to read as  
6 follows:

7 “(b) PRINCIPLES OF THE CENTER’S MISSION.—The  
8 Commissioner shall ensure that the Center—

9 “(1) collects and analyzes education informa-  
10 tion and statistics under this Act in a manner that  
11 meets the highest methodological standards;

12 “(2) reports education information and statis-  
13 tics under this Act in a timely manner; and

14 “(3) collects, analyzes, and reports education  
15 information and statistics under this Act in a man-  
16 ner that—

17 “(A) is objective and free of partisan influ-  
18 ence; and

19 “(B) is relevant and useful to practi-  
20 tioners, researchers, policymakers, and the pub-  
21 lic.”; and

22 (5) by adding at the end thereof a new sub-  
23 section (d) to read as follows:

24 “(d) APPOINTMENT OF EMPLOYEES.—

1           “(1) IN GENERAL.—The Commissioner may ap-  
2           point, for terms not to exceed three years (without  
3           regard to the provisions of title 5, United States  
4           Code, governing appointment in the competitive  
5           service) such statistical experts (such as statisti-  
6           cians, mathematical statisticians, economists, mathe-  
7           maticians, computer specialists, social scientists, and  
8           sociologists) of the Center as the Commissioner con-  
9           siders necessary to accomplish the Center’s mission,  
10          provided that—

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

16                   “(B) the appointment of such employee is  
17                   necessary to provide the Center with scientific  
18                   or technical expertise that could not otherwise  
19                   be obtained by the Center through the competi-  
20                   tive service; and

21                   “(C) the total number of such employees  
22                   does not exceed 10 percent of the number of  
23                   full-time, regular scientific or professional em-  
24                   ployees of the Center.

1           “(2) REAPPOINTMENT OF EMPLOYEES.—The  
2           Commissioner may reappoint employees described in  
3           paragraph (1) upon presentation of a clear and con-  
4           vincing justification of need, for one additional term  
5           not to exceed 3 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. 204. DUTIES OF THE CENTER.**

10          Section 404 of the Act is amended—

11                 (1) in subsection (a)(1), in the matter before  
12                 subparagraph (A), by striking out “and postsec-  
13                 ondary” and inserting in lieu thereof “postsec-  
14                 ondary, and adult”;

15                 (2) by redesignating subsection (b) as sub-  
16                 section (c); and

17                 (3) by inserting a new subsection (b) to read as  
18                 follows:

19                 “(b) PERFORMANCE MANAGEMENT.—The Commis-  
20                 sioner shall make customer service a priority and shall en-  
21                 sure a high level of customer satisfaction through—

22                         “(1) establishing and improving feedback mech-  
23                         anisms in order to anticipate customer needs;

1           “(2) disseminating information in formats that  
2           are easily accessible and usable by researchers, prac-  
3           titioners, and the general public;

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

10           “(4) establishing, and measuring the Center’s  
11           performance against, a set of indicators for the qual-  
12           ity of data collected, analyzed, and reported by the  
13           center; and

14           “(5) continuously improving the management  
15           strategies and practices of the Center.”.

16 **SEC. 205. PERFORMANCE OF DUTIES.**

17           Section 405(b) of the Act is amended—

18           (1) by redesignating paragraphs (1) through  
19           (4) as paragraphs (2) through (5), respectively;

20           (2) by inserting a new paragraph (1) to read as  
21           follows:

22           “(1) **AUTHORITY OVER IMPLEMENTATION OF**  
23           **DATA COLLECTION.**—The Commissioner shall have  
24           final authority within the Department over decisions  
25           regarding the implementation of data collection ac-

1       activities, including the appropriateness of specific col-  
2       lection methodologies, consistent with sections 121  
3       and 131.”; and

4               (3) in paragraph (3)(A), as redesignated, by in-  
5       serting “(including information collected by States  
6       and local educational agencies for their own use)”  
7       before the semicolon at the end thereof.

8       **SEC. 206. REPORTS.**

9       Section 406 of the Act is amended—

10              (1) in subsection (a), by striking out “1995”  
11       and inserting in lieu thereof “2001”; and

12              (2) by adding at the end thereof a new sub-  
13       section (d) to read as follows:

14       “(d) PROCEDURES FOR ISSUANCE OF REPORTS.—(1)  
15       The Commissioner shall establish procedures to ensure  
16       that the reports issued under this section are relevant, of  
17       high quality, useful to customers, and subject to rigorous  
18       peer review.

19       “(2) The Commissioner—

20              “(A) shall afford the appropriate offices of the  
21       Department an opportunity to review and comment  
22       on reports under this section before their publica-  
23       tion, whenever they relate to matters for which those  
24       offices have responsibility; and

1           “(B) after such review and comment, may pub-  
2           lish those reports without further clearance or ap-  
3           proval by other offices of the Department.”.

4 **SEC. 207. ADVISORY COUNCIL ON EDUCATION STATISTICS.**

5           Section 407(b) of the Act is amended by—

6           (1) amending paragraph (1)(D) to read as fol-  
7           lows:

8                   “(D) the Commissioner and the Director of  
9                   the National Institute of Education Research,  
10                  as nonvoting, ex officio members.”; and

11          (2) by amending paragraph (5) to read as fol-  
12          lows:

13                  “(5) DUTIES OF THE COUNCIL.—The Council  
14          shall—

15                   “(A) review and advise the Commissioner  
16          on—

17                           “(i) general policies for the operation  
18                           and activities of the Center;

19                           “(ii) standards to ensure that statis-  
20                           tics and other information disseminated by  
21                           the Center are of high quality and are not  
22                           subject to partisan political influence;

23                           “(iii) standards for peer review;

1           “(iv) the development of the data  
2           quality indicators under section 112(b)(4);  
3           and

4           “(v) the extent to which the data col-  
5           lected and reported by the Center respond  
6           to customer needs;

7           “(B) annually submit a report to the  
8           President and the Congress on the quality and  
9           usefulness of data collected and reported by the  
10          Center, and on any other issues requiring public  
11          attention; and

12          “(C) advise the Commissioner on technical  
13          and statistical matters related to the National  
14          Assessment of Educational Progress.”.

15 **SEC. 208. DISSEMINATION.**

16          Section 409(e)(2) of the Act is amended by inserting  
17          a comma and “in the most appropriate form (including,  
18          where possible, electronically),” after “access”.

19 **SEC. 209. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

20          Section 410 of the Act is amended by—

21                 (1) in subsection (a), by striking out “data on  
22                 elementary and secondary education, postsecondary  
23                 education,” and inserting in lieu thereof “data on  
24                 early childhood education, elementary and secondary

1 education, postsecondary education, adult edu-  
2 cation,”;

3 (2) by striking out the subsection (a) designa-  
4 tion and heading; and

5 (3) by striking out subsection (b).

6 **SEC. 210. REPEAL OF SECTION 413 AND REDESIGNATIONS.**

7 (a) REPEAL.—Section 413 of the Act is repealed.

8 (b) REDESIGNATIONS.—Sections 411 and 412 of the  
9 Act are redesignated as sections 412 and 413, respec-  
10 tively.

11 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS FOR THE**

12 **CENTER.**

13 The Act is amended by inserting after section 410  
14 a new section 411 to read as follows:

15 **“SEC. 411. AUTHORIZATION OF APPROPRIATIONS FOR THE**

16 **CENTER.**

17 “There are authorized to be appropriated such sums  
18 as may be necessary for each fiscal year in order to carry  
19 out this title, including the necessary salaries and expenses  
20 for the Center, other than sections 121 and 131.”.

21 **SEC. 212. NATIONAL ASSESSMENT OF EDUCATIONAL**

22 **PROGRESS.**

23 Section 412 of the Act, as redesignated, is  
24 amended—

25 (1) in subsection (a)—

1 (A) by striking out “with the advice” and  
2 inserting in lieu thereof “under the policy direc-  
3 tion”; and

4 (B) by striking out “section 412” and in-  
5 serting in lieu thereof “section 131”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in the third sentence, by inserting  
9 a comma and “in accordance with an as-  
10 sessment schedule developed by the Na-  
11 tional Assessment Governing Board and a  
12 reporting schedule developed and published  
13 by the Commissioner,” after “Commis-  
14 sioner”;

15 (ii) by amending subparagraph (A) to  
16 read as follows:

17 “(A) for purposes of tracking long-term  
18 national trends, collect and report data on a  
19 periodic basis, but at least every 4 years, for  
20 students at ages 9, 13, and 17 in reading,  
21 mathematics, and science and in grades 4, 8,  
22 and 11 in writing;”;

23 (iii) by redesignating subparagraphs  
24 (B) through (D) as subparagraphs (C)  
25 through (E);

1 (iv) by adding a new subparagraph  
2 (B) to read as follows:

3 “(B) for purposes of collecting data on stu-  
4 dent achievement based on current frameworks,  
5 conduct student assessments every year in  
6 grades 4, 8, and 12 in public and private  
7 schools;”;

8 (v) at the end of subparagraph (D),  
9 as redesignated, by striking out “and”;

10 (vi) at the end of subparagraph (E),  
11 as redesignated, by striking out the period  
12 and inserting in lieu thereof a semicolon  
13 and “and”; and

14 (vii) by adding a new subparagraph  
15 (F) to read as follows:

16 “(F) provide assistance to interested  
17 States that wish to benchmark their State as-  
18 sessments to the National Assessment.”; and

19 (B) by amending paragraph (2)(A)(ii) to  
20 read as follows:

21 “(ii) Each State assessment, in each  
22 subject area and at each grade level, shall  
23 be conducted in a manner that will  
24 produce high-quality data that are valid  
25 and reliable.”;

1 (3) in subsection (c)(2)(B)—

2 (A) by inserting the clause designation  
3 “(i)” after the subparagraph designation “(B)”;

4 and

5 (B) by adding a clause (ii) to read as fol-  
6 lows:

7 “(ii) Notwithstanding clause (i), the  
8 Commissioner may decline to make avail-  
9 able cognitive items for periods longer than  
10 ten years if the Commissioner determines  
11 that it is necessary to do so in order to  
12 protect the integrity of long-term trend  
13 data.”;

14 (4) in subsection (e)—

15 (A) in paragraph (1), by striking out “age  
16 and”; and

17 (B) in paragraph (2)(A)(ii), by inserting  
18 “independent” before “evaluation”;

19 (5) in subsection (f)—

20 (A) in paragraph (1)(B)(i), by striking out  
21 “developmental”; and

22 (B) by amending paragraph (3) to read as  
23 follows:

24 “(3) USE OF FINDINGS AND RECOMMENDA-  
25 TIONS.—The Commissioner and the National As-

1        assessment Governing Board shall consider the find-  
2        ings and recommendations of such reviews in car-  
3        rying out their duties and responsibilities with re-  
4        spect to the design and implementation of the Na-  
5        tional Assessment.”; and

6                (6) by adding at the end thereof a new sub-  
7        section (h) to read as follows:

8                “(h) AUTHORIZATION OF APPROPRIATIONS.—For the  
9        purpose of carrying out this part, there are authorized to  
10       be appropriated such sums as may be necessary for fiscal  
11       year 2001 and for each of the four succeeding fiscal  
12       years.”.

13       **SEC. 213. NATIONAL ASSESSMENT GOVERNING BOARD.**

14       Section 413 of the Act, as redesignated, is  
15       amended—

16                (1) in subsection (a)—

17                        (A) by inserting “within the Department of  
18        Education” after “established”; and

19                        (B) by striking out “guidelines” and in-  
20        serting in lieu thereof “direction”;

21                (2) by amending subsection (b)(2) to read as  
22        follows:

23                “(2) EX OFFICIO MEMBERS.—The Commis-  
24        sioner and the Director of the National Institute for

1 Education Research shall serve as ex officio, non-  
2 voting members of the Board.”;

3 (3) in subsection (c)(1), by striking out “3  
4 years” and inserting in lieu thereof “4 years”;

5 (4) in subsection (e)(4), by striking out the pe-  
6 riod at the end and inserting in lieu thereof “and  
7 that such items will yield valid and reliable informa-  
8 tion about what disadvantaged, limited English pro-  
9 ficient, and disabled students know and can do.”;  
10 and

11 (5) by adding a new subsection (i) to read as  
12 follows:

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—For the  
14 purpose of carrying out this part, there are authorized to  
15 be appropriated such sums as may be necessary for fiscal  
16 year 2001 and for each of the four succeeding fiscal  
17 years.”.

18 **SEC. 214 REDESIGNATION OF TITLE IV OF THE ACT AS THE**  
19 **NATIONAL EDUCATION STATISTICS ACT; SEC-**  
20 **TION REDESIGNATIONS; PART HEADINGS;**  
21 **AND CONFORMING AMENDMENTS.**

22 (a) REDESIGNATION OF TITLE IV.—Title IV of the  
23 Act, as amended by sections 201 through 213 of the Na-  
24 tional Education Research and Statistics Act of 2000, is

1 removed from the Act and redesignated and re-enacted as,  
2 the “National Education Statistics Act”.

3 (b) SECTION REDESIGNATIONS.—(1) Sections 401  
4 and 402 of the National Education Statistics Act are re-  
5 designated as sections 101 and 102 of the Act, respec-  
6 tively.

7 (2) Sections 403 through 411 of the National Edu-  
8 cation Statistics Act are redesignated as sections 111  
9 through 119, respectively.

10 (3) Section 412 of the National Education Statistics  
11 Act, as redesignated by section 210(b), is further redesi-  
12 gnated as section 121.

13 (4) Section 413 of the National Education Statistics  
14 Act, as redesignated by section 210(b), is further redesi-  
15 gnated as section 131.

16 (c) CONFORMING AMENDMENTS.—The National  
17 Education Statistics Act is amended—

18 (1) in section 102(c)(6), as redesignated—

19 (A) in subparagraph (A), by striking out  
20 “section 411” and inserting in lieu thereof  
21 “section 121”; and

22 (B) in subparagraph (B), by striking out  
23 “section 411” and inserting in lieu thereof  
24 “section 121”;

1           (2) in section 117(e)(1), as redesignated, by  
2 striking out “section 408” and inserting in lieu  
3 thereof “section 116”;

4           (3) in section 121, as redesignated—

5                 (A) in subsection (a)—

6                     (i) by striking out “section 412” and  
7 inserting in lieu thereof “section 131”; and

8                     (ii) by striking out “section 407” and  
9 inserting in lieu thereof “section 115”; and

10                 (B) in subsection (e)(1), by striking out  
11 “section 412” and inserting in lieu thereof  
12 “section 131”;

13           (4) in section 131(e), as redesignated—

14                 (A) in paragraph (1)—

15                     (i) in subparagraph (A), by striking  
16 out “section 411(b)(1)” and inserting in  
17 lieu thereof “section 121(b)(1)”;

18                     (ii) in subparagraph (B), by striking  
19 out “section 411(e)” and inserting in lieu  
20 thereof “section 121(e)”; and

21                     (iii) in subparagraph (D), by striking  
22 out “section 407” and inserting in lieu  
23 thereof “section 115”; and

1 (B) in paragraph (6), by striking out “sec-  
2 tion 411(e)” and inserting in lieu thereof “sec-  
3 tion 121(e)”;

4 (5) by striking out “this title” wherever it ap-  
5 pears and inserting in lieu thereof “this Act”.

6 (d) PART HEADINGS.—The National Education Sta-  
7 tistics Act is further amended by—

8 (1) inserting before section 111 the following  
9 part heading: **“PART A—NATIONAL CEN-  
10 TER FOR EDUCATION STATISTICS”**;

11 (2) inserting before section 121 the following  
12 part heading: **“PART B—NATIONAL AS-  
13 SESSMENT OF EDUCATIONAL  
14 PROGRESS”**; and

15 (3) inserting before section 131 the following  
16 part heading: **“PART C—NATIONAL AS-  
17 SESSMENT GOVERNING BOARD”**.

18 **SEC. 215. AMERICA’S TESTS IN READING AND MATHE-  
19 MATICS.**

20 The National Education Statistics Act is further  
21 amended by adding at the end thereof a new part D to  
22 read as follows:

1     **“PART D—AMERICA’S TESTS IN READING AND**  
2                                   **MATHEMATICS**

3     **“SEC. 141. FINDINGS; PURPOSE.**

4             “(a) FINDINGS.—The Congress finds as follows:

5                     “(1) The fourth grade is a significant transition  
6             point for students with regard to proficiency in read-  
7             ing. Recent studies have indicated that it is critically  
8             important for all students to be able to read inde-  
9             pendently by the end of the third grade in order to  
10            make satisfactory progress in school and learn to  
11            high standards.

12                    “(2) Likewise, the eighth grade serves as an-  
13            other milestone in the learning cycle of students. It  
14            is critically important that by the end of the seventh  
15            grade all students master analytical problem-solving  
16            as well as the fundamentals of mathematics needed  
17            to understand algebraic and geometric concepts and  
18            applications.

19                    “(3) Significant disparity exists between many  
20            States’ assessments of student performance com-  
21            pared to their students’ performance on the National  
22            Assessment of Educational Progress, indicating a  
23            need for measuring student performance to rigorous  
24            standards.

25                    “(4) Rigorous voluntary national assessments in  
26            reading and mathematics will provide necessary na-

1 tional and international benchmarks against which  
2 teachers, administrators, parents, policymakers, and  
3 students can assess learning at key points.

4 “(5) When shared with students, parents,  
5 teachers, and principals, individual questions and  
6 answers from assessments that are aligned to chal-  
7 lenging content standards can serve as valuable tools  
8 for assessing instructional strengths and developing  
9 effective strategies to improve teaching and learning.

10 “(6) The results of an assessment based on na-  
11 tional and international benchmarks can provide  
12 schools and communities with a clear picture of stu-  
13 dent performance that can inform better investments  
14 of time, energy, and resources in schools in address-  
15 ing the academic needs of the students.

16 “(7) A national assessment of reading and  
17 mathematics that is aligned to rigorous standards,  
18 involves teachers, content specialists, principals, par-  
19 ents, and business and community leaders in test de-  
20 velopment, provides immediate reporting of indi-  
21 vidual student scores, allows for release of all test  
22 items and materials, and introduces a new test each  
23 year, can provide parents and teachers with impor-  
24 tant tools to enable them to improve education from  
25 the grassroots level.

1       “(b) PURPOSE.—It is the purpose of this part to sup-  
2 port the development of, and make available, valid, vol-  
3 untary national tests in reading, for fourth grade students,  
4 and in mathematics, for eighth grade students, in order  
5 to—

6           “(1) give parents and teachers, on a timely  
7 basis, the information they need to assess student  
8 achievement and needs in reading and mathematics  
9 for students in elementary and middle schools; and

10          “(2) assist States and localities in improving  
11 and ensuring high-quality instruction in reading and  
12 mathematics in all elementary and middle schools.

13 **“SEC. 142. AMERICA’S TESTS IN READING AND MATHE-**  
14 **MATICS.**

15       “(a) IN GENERAL.—From funds available under sub-  
16 section (g), the National Assessment Governing Board  
17 (hereafter in this part referred to as the “Board”), estab-  
18 lished under part C of this Act, shall, through one or more  
19 grants, contracts, or cooperative agreements, develop and  
20 make available valid tests that assess the individual per-  
21 formance of fourth-grade students in reading, and eighth-  
22 grade students in mathematics, for voluntary use by  
23 States, local educational agencies, private schools, other  
24 educational entities, and parents.

1       “(b) DUTIES OF THE BOARD.—(1) In carrying out  
2 subsection (a), the Board shall develop—

3           “(A) test objectives and specifications;

4           “(B) test methodology; and

5           “(C) guidelines and criteria for—

6               “(i) test administration (including guide-  
7 lines for the inclusion of, and accommodations  
8 for, students with disabilities and students with  
9 limited English proficiency);

10               “(ii) compiling and using data from such  
11 tests (including the security of test items);

12               “(iii) reporting test results (including the  
13 use of appropriate performance levels and the  
14 timely return of test results); and

15               “(iv) the use of the tests.

16       “(2) In carrying out its duties under paragraph (1),  
17 the Board shall—

18           “(A) have final authority over test design and  
19 implementation of the guidelines and criteria under  
20 paragraph (1)(C);

21           “(B) ensure that all items selected for use in  
22 the tests are free from racial, cultural, or gender  
23 bias;

24           “(C) ensure that test items adequately assess  
25 student reading and mathematics knowledge and

1 skills in the form most likely to yield accurate infor-  
2 mation regarding student achievement in reading  
3 and mathematics;

4 “(D) ensure that test items and test adminis-  
5 tration appropriately accommodate the needs of dis-  
6 advantaged, limited English proficient, and disabled  
7 students;

8 “(E) ensure that Spanish-speaking students  
9 with limited English proficiency are assessed using  
10 tests written in Spanish, if Spanish language tests  
11 are more likely to yield accurate and reliable infor-  
12 mation about what those students know and can do;

13 “(F) make widely available, through the World  
14 Wide Web and through other means, information  
15 about the tests (but not individual results), including  
16 test items and answers, norms and benchmarks, and  
17 explanatory information, in easily understandable  
18 form;

19 “(G) ensure that all test questions, test results,  
20 student answers, and the answer key are returned to  
21 students, their families, and their teachers not more  
22 than 30 days from the day the test was adminis-  
23 tered;

24 “(H) ensure that information is provided to  
25 parents, students, and educators about the achieve-

1       ment of individual students in relation to the content  
2       and the rigorous performance standards of the Na-  
3       tional Assessment, as set by the National Assess-  
4       ment Governing Board for fourth grade reading and  
5       eighth grade mathematics; and

6               “(I) ensure that all test items are released each  
7       year.

8       “(c) TEST CONTENT FRAMEWORKS AND PERFORM-  
9       ANCE LEVELS.—All tests under subsection (a) shall be  
10      based on, and be at least as rigorous as, the content  
11      frameworks and performance levels used for the National  
12      Assessment of Educational Progress under part B of this  
13      Act.

14      “(d) VOLUNTARY NATURE OF THE TESTS.—(1) The  
15      Federal government shall not—

16              “(A) require participation by any State, local  
17      educational agency, private school, other educational  
18      entity, or individual in any tests under subsection  
19      (a);

20              “(B) make participation in a test under sub-  
21      section (a) a condition for receiving Federal funds;  
22      or

23              “(C) require test participants or administrators  
24      to report test results to the Federal government.

1           “(2)(A) All tests under subsection (a) shall be made  
2 available to all States, local educational agencies, private  
3 schools, other educational entities, and parents who wish  
4 to participate.

5           “(B) States, local educational agencies, private  
6 schools, other educational entities, and parents that  
7 choose to make available or use the tests shall comply with  
8 the policies, guidelines, and criteria set forth by the Board  
9 under this part.

10          “(e) USE OF TEST.—Results from tests under sub-  
11 section (a) shall not be used by States, local educational  
12 agencies, schools, or other educational entities in making  
13 decisions involving—

14                 “(1) the retention or graduation of students;

15                 “(2) the rewarding or punishing of a teacher,  
16 school, or district; and

17                 “(3) the closing or State take-over of schools.

18          “(f) REVIEW AND INDEPENDENT EVALUATION.—  
19 The Secretary shall provide for continuing review and an  
20 independent evaluation of the tests developed under sub-  
21 section (a).

22          “(g) AUTHORIZATION OF APPROPRIATIONS.—For the  
23 purpose of carrying out this part, there are authorized to  
24 be appropriated such sums as may be necessary for fiscal

1 year 2001 and for each of the four succeeding fiscal  
2 years.”.

### 3 **TITLE III—AMENDMENTS TO** 4 **OTHER LAWS**

#### 5 **SEC. 301. AMENDMENTS TO OTHER LAWS.**

6 (a) THE DEPARTMENT OF EDUCATION ORGANIZA-  
7 TION ACT.—Title II of the Department of Education Or-  
8 ganization Act (20 U.S.C. 3401 et seq.) is amended—

9 (1) in section 202(b), by—

10 (A) redesignating the paragraph (3) as  
11 paragraph (4);

12 (B) in paragraph (4), as redesignated by  
13 subparagraph (A)—

14 (i) in the matter before subparagraph  
15 (A), by striking out “an Assistant Sec-  
16 retary for Educational Research and Im-  
17 provement” and inserting in lieu thereof  
18 “a Director of the National Institute for  
19 Education Research”; and

20 (ii) in subparagraph (B), by striking  
21 out “National Educational Research Policy  
22 and Priorities Board” and inserting in lieu  
23 thereof “National Education Research  
24 Board”; and

1 (C) by adding a new paragraph (5) to read  
2 as follows:

3 “(5) There shall be in the Department a Com-  
4 missioner of Education Statistics who is appointed  
5 in accordance with section 111(b) of the National  
6 Education Statistics Act.”;

7 (2) by amending section 208 to read as follows:

8 **“SEC. 208. NATIONAL INSTITUTE FOR EDUCATION RE-  
9 SEARCH.**

10 “There shall be in the Department of Education a  
11 National Institute for Education Research, to be adminis-  
12 tered by the Director of the National Institute for Edu-  
13 cation Research appointed under section 202(b)(4) in ac-  
14 cordance with the National Education Research Act.”; and

15 (3) by adding at the end thereof a new section  
16 220 to read as follows:

17 **“SEC. 220. NATIONAL CENTER FOR EDUCATION STATISTICS.**

18 “There shall be in the Department of Education a  
19 National Center for Education Statistics, to be adminis-  
20 tered by the Commissioner for Education Statistics ap-  
21 pointed under section 111(b) of the National Education  
22 Statistics Act in accordance with that Act.”.

23 (b) POSITIONS.—5 U.S.C. 5315 is amended by—

1           (1) striking out “Assistant Secretaries of Edu-  
2           cation (10)” and inserting in lieu thereof “Assistant  
3           Secretaries of Education (9)”; and

4           (2) inserting “Director of the National Institute  
5           for Education Research.” and “Commissioner for  
6           Education Statistics” after “Assistant Secretaries of  
7           Education (9).”.

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