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SENATE

{ REPORT  
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**EDUCATION SCIENCES REFORM ACT OF 2002**

NOVEMBER 12, 2002.—Ordered to be printed

Mr. KENNEDY, from the Committee on Health, Education, Labor,  
and Pensions, submitted the following

**REPORT**

[To accompany S. 2969]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 2969) to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

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**I. INTRODUCTION**

S. 2969 was introduced by Senator Kennedy and Senator Gregg on September 19, 2002.

**II. PURPOSE AND SUMMARY**

As reported by the Committee on Health, Education, Labor, and Pensions, S. 2969 continues an office within the Department of Education to conduct high quality research using a variety of scientifically valid methods, to evaluate Federal Education Programs

as well as research conducted outside the Department, develop products, and to disseminate information that will improve the quality of education for all students. S. 2969 provides a new structure to that office, to be known as the U.S. Institute for Education Sciences. The committee believes that the goal of providing every individual with a high quality education requires the continued pursuit of knowledge about education through research, development, data collection, synthesis, technical assistance and information dissemination.

### III. BACKGROUND AND NEED FOR LEGISLATION

With the passage of the No Child Left Behind Act (NCLBA), P.L. 107–110 in 2001, States and school districts are more anxious than ever to get the best information on how to improve student achievement and underperforming schools. If schools are to be held accountable for the performance of their students, the Federal Government should stand accountable for offering our States, our schools and our citizens the research that meets the highest standards of scholarship and scientifically valid methodology.

In 2000, the Panel on Improving Education Research, a bipartisan group concerned about the quality of education research and the public perception of OERI, made recommendations as follows:

- Create a National Center for Education Research within OERI;

- Establish a Commissioner of Education Research;

- Re-define the Assistant Secretary's Role;

- Emphasize the Priority-Setting Responsibilities of the National Educational Research Policy and Priorities Board;

- Improve the Office of Dissemination to Expand Access to Research Information;

- Allow a Balance of Institutes, Centers, and Field-Initiated Studies;

- Create a New Capacity to Recruit and Retain Expert Staff Through an Expanded Excepted Appointing Authority; and

- Provide a Responsible Level of Appropriations.

The committee took these recommendations seriously and invited researchers, policymakers and practitioners to offer suggestions on how to elevate the status of Federal education research and provide meaningful assistance to States and schools across the country.

The new legislation was built on the most successful aspects of the current organization and those of other Federal research agencies with the primary goal of providing educators and policymakers with reliable research, statistics and technical assistance in order to improve the quality of education in America's schools.

### IV. LEGISLATIVE HISTORY AND COMMITTEE ACTION

Legislation specifically authorizing educational research and development began with the creation of the National Institute of Education (NIE) in 1972. Since that time Congress has acted on education research in eight key pieces of legislation:

- The 1972 establishment of NIE;

- The 1974 establishment of the National Center for Education Statistics (NCES);

The 1978 authorization of the National Assessment of Educational Progress (NAEP);  
 The 1979 establishment of the Department of Education;  
 The 1985 termination of NIE and establishment of OERI;  
 The 1988 reauthorization of NCES and NAEP;  
 The 1994 reauthorization of OERI, NCES and NAEP; and  
 The 2002 reauthorization of NAEP, requiring state participation, in NCLBA.

Federal education research and statistics activities are currently administered by the Office of Educational Research and Improvement (OERI) of the U.S. Department of Education. OERI conducts a variety of programs that include educational research, development, dissemination, statistics, assessment, and regional education assistance. OERI is charged with extending knowledge about education through its research activities and to provide leadership in the conduct and support of scientific inquiry into the educational process.

The purpose of NCES is to ensure the collection and reporting of information on the condition and progress of education in the United States (and other nations) in order to promote and accelerate the improvement of American education.

The purpose of NAEP is to provide a fair and accurate portrayal of educational achievement in reading, writing, and other subjects.

Since 1994, OERI has maintained five national education research institutes (which in turn have supported research and development centers), various national dissemination activities, ten regional education laboratories, the ERIC system of 16 clearinghouses, and NCES.

The five OERI Institutes are: Student Achievement, Curriculum, and Assessment; Education of At-Risk Students; Governance, Finance, Policymaking, and Management; Early Childhood Development and Education; and Postsecondary Education, Libraries, and Lifelong Learning.

The Institutes have in turn supported university-based research and development centers and field-initiated studies.

The OERI dissemination activities have included:

Educational Laboratories for ten geographic regions to meet regional needs;

The National Library of Education;

ERIC and its system of sixteen clearinghouses;

A school facilities information clearinghouse;

Dissemination of promising and exemplary practices; and

Electronic dissemination of information.

The NCES is required to issue three comprehensive annual reports—the Digest of Educational Statistics; the Condition of Education; and Projections of Education Statistics—and other regular and special reports on selected topics. Six statistical program areas were specified in 1994 as follows:

Institutional census surveys at the preschool, elementary, secondary, and postsecondary levels, providing basic information on students, teachers, schools, and libraries, as well as financial information;

Special purpose cross-sectional surveys providing nationally representative data on education service providers and con-

sumers, with collection cycles varying from annually to once a decade;

Longitudinal surveys, collecting in-depth information on the same students as they progress over time in obtaining their education;

International studies, providing comparisons of educational systems and their possible relationship to economic growth and competition;

Statistical research, development, and report compilations, to enhance the quality and usefulness of education data collection; and

Training, technical assistance, and dissemination, to assist education agencies, organizations, and institutions.

The NAEP must collect data from samples that are representative of the national, State and regional levels. Assessments must take place periodically, but at least every 2 years, of students ages 9, 13, and 17, and for grades 4, 8, and 12 in public and private schools. The nonfederal share of state assessments must be paid from nonfederal sources. In addition, the 25 member National Assessment Governing Board must formulate policy guidelines for the NAEP.

Senators Kennedy and Gregg introduced S. 2969 on September 19, 2002, and a Substitute was unanimously accepted and passed through the HELP Committee on September 25, 2002.

#### V. EXPLANATION OF BILL AND COMMITTEE VIEWS

S. 2969 changes the organization of OERI and establishes the United States Institute for Education Sciences. The Institute is headed by a Director, who will be presidentially-appointed and confirmed by the Senate and shall have the same standing as the current Assistant Secretary.

The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about the condition and progress of education in the United States; educational practices that support learning, and improve academic achievement and educational equity for all students; and the effectiveness of Federal and other education programs.

The Institute shall include the Office of the Director and four Centers: the National Center for Education Research, the National Center for Education Statistics, the National Center for Education Evaluation, and the National Center for Knowledge Utilization in Education.

The Institute shall conduct and support scientifically valid basic and applied research, statistics activities, evaluation and development and shall widely disseminate the findings and results. In addition the Institute will work to promote the use and application of research to improve classroom practice.

The Institute shall have a 15 member board of directors, known as the National Board for Education Sciences. The 15 members shall be appointed by the President, with the advice and consent of the Senate, with not fewer than eight members representing researchers, and the other members representing teachers, local and

State education officers and experts, parents, business and policy-makers. The Board shall work with the Director to establish priorities, to improve the effectiveness of the agency and to expand the dissemination of quality research.

The committee feels strongly that it is imperative to raise the quality of research conducted at the Institute, and the Institute's standing in the research community. Raising the quality of scholarship of the Institute should be a top priority. In order to support that goal, the Director is given the authority to retain the ability to appoint excepted scientific or technical employees, following the current practice of 30-day notice to allow qualified employees the opportunity to apply for such positions. The total number of such employees may not exceed the greater of either 30 employees or  $\frac{1}{5}$  of the number of full-time employees.

In order to strengthen the national capacity for carrying out high quality research, statistics and evaluation, the Director is directed to establish and maintain research, statistics and evaluation fellowships in institutions of higher education that support graduate and postgraduate study, including minority serving institutions, with particular attention to the recruitment of women and minorities.

Each of the National Centers will be headed by a commissioner appointed by the Director, except the Commissioner of the National Center for Education Statistics. The committee feels strongly that it is important to maintain the current status of the Statistics Commissioner—being presidentially appointed with the advice and consent of the Senate, in order to maintain the independence of statistical collection and analysis.

Each of the Commissioners will be appointed for 6-year terms. Several provisions of the bill create presidentially appointed and Senate confirmed individuals who serve for a specified term of years. For example, section 114 creates a presidentially appointed and Senate confirmed Director of the Institute who serves for a term of 6 years, section 116 creates a National Board for Education Sciences with presidentially appointed and Senate confirmed members who serve for a term of 4 years, and Section 117(b) creates a presidentially appointed and Senate confirmed Commissioner for Education Statistics who serves for a term of 6 years. Similarly, section 117(a)(3) provides for the appointment of commissioners of the National Centers for a term of 6 years. The committee understands that these officials may be removed by the President (or, in the case of the commissioners, the Director) prior to the expiration of their terms. See *Parsons v. United States*, 167 U.S. 324 (1897).

In order to ensure the quality of work at the Institute, all the commissioners shall ensure that all work conducted follows scientifically based standards, as well as using a peer review system involving highly qualified individuals to ensure that all work is objective, secular, neutral, nonideological and free of partisan political influence and racial, cultural, gender or regional bias.

The Director shall complete a biennial report that includes a description of the activities carried out through the Centers and how they relate to the mission of the Institute; a summary of every grant, contract and cooperative agreement in excess of \$100,000; and any other materials that the Director feels would inform Con-

gress and the public about the findings of scientifically valid research conducted by the Institute.

#### THE NATIONAL CENTER FOR EDUCATION RESEARCH

In order to ensure the highest quality research, the Commissioner shall support rigorous, peer-reviewed research to determine practices that improve the teaching and learning of students, especially in reading, mathematics, and science, and through the use of technology.

The No Child Left Behind Act requires annual testing of reading and mathematics of students in grades 3 through 8. States and school districts will identify schools that are low-performing on the basis of such tests. As of school year 2007–08, schools will be required to carry out standards-based assessments and will be held accountable for student performance on those assessments. Due to the critical importance of mathematics and science knowledge, the committee believes that it is valuable to invest in high-quality research to determine the best methods of teaching those subjects. Empowered with the knowledge of effective mathematics and science instructional practices, the committee will be better positioned to argue effectively for more funding for the Math and Science Partnership Program.

In order to ensure that there is a reliable base of scientifically valid research, 50 percent of the funds available for research shall be used to fund long-term research programs. The Commissioner is permitted to establish up to 15 Research Centers for the long-term and continued study of research in areas of ongoing national need. To ensure quality research within areas that are affected by other authorizing legislation, the committee feels that those centers shall include:

##### *Adult Literacy Research Center*

A Center for Adult Literacy is authorized to conduct scientifically valid research that would help build effective, cost-efficient education programs that provide instruction and support services for adults who have low literacy and math skills, who do not speak English well, or who do not have a high school diploma. These programs are known as Adult Basic Education (ABE), English for Speakers of Other Languages (ESOL), and Adult Secondary Education (ASE). The Center should also (1) describe the adults who need these services in ways that are useful for designing instruction and support services, (2) identify policies that improve instruction and support services, and (3) explore the use of technology as a tool for expanding and improving adult programs.

Evaluation of these programs should include measuring instructional progress and program impact, especially on the adults' ability to perform as workers, parents, citizens and life-long learners.

##### *Assessment, Standards and Accountability Research Center*

A Center for Assessment, Standards and Accountability Research is authorized to conduct research to assist States, local educational agencies and schools to implement high standards, fair and effective assessment and accountability systems that are consistent with the requirements of the No Child Left Behind Act. The research of the Center shall include: (1) effective practices for devel-

oping and revising academic content and achievement standards; (2) design and evaluation of State accountability systems; (3) effective strategies for benchmarking and alignment of standards to assessments; (4) the demand for, impact of, and quality of school improvement and corrective action activities on improving low-performing schools, especially in rural and urban schools and in schools with large Native American populations; (5) uses of multiple measures in state accountability systems, and the use of assessments that measure the academic progress and growth of students over time; (6) strategies for developing State standards for English language development, and assessing English proficiency of LEP students; (7) effective strategies to help teachers in the application of assessment data to classroom practice; (8) the use of alternative assessments for children with disabilities and effective accommodations for LEP students and children with disabilities in large-scale assessments programs; (9) the effectiveness of criterion-referenced and norm-referenced assessments in state accountability systems; (10) the impact of statewide assessment, if any, on teacher retention, graduation rates, course content, curricular offerings and other factors; or (11) other research that furthers the Center's mission.

*Early Childhood Development and Education Center*

It is the intention of the committee that the Early Childhood Development and Education Center authorized under title I should conduct research on the following topics: strategies for increasing cognitive, emotional, social and physical development for children at any age from birth through the age at which the child may start primary school; cognitive development of infants and toddlers and the relationship of development and learning prior to both entry into school and later success in school; access to high quality early childhood care and education and the effects of such care and education on school readiness; the availability of high-quality early childhood care and education programs that meet the needs of working families; characteristics of literacy programs for children prior to entry to school and their later school success; strategies for increasing literacy through family based intervention programs; the transition to school as children move from home and other early childhood settings into kindergarten; the professional development of early childhood personnel and the relation of that training to child development and school readiness; the unique early childhood developmental and educational needs of children with disabilities, and how to address those needs through high quality early childhood care and education programs, including professional development for early childhood service providers; or other topics relevant to the mission of the Early Childhood Development and Education Center.

*English Language Learners Research Center*

An English Language Learners Research Center is authorized to conduct research that would help develop research-based instructional practices for linguistically diverse learners by examining second language acquisition and language instruction educational models for serving LEP students, including methods for integrating core academic content areas into language instruction educational

programs. The Center also should conduct research on: (1) how LEP students are being included in the State accountability systems; (2) methods used by States to assist school districts in building capacity to establish and sustain native language instructional support for LEP students; (3) effective professional development and training activities for mainstream teachers in the areas of educational linguistics and second language acquisition; (4) effective newcomer and immigrant education programs; (5) the impact of sociocultural factors, linguistic background, and refugee or asylum status on achievement of LEP students, and integration into all-English classrooms; (6) methods to promote parental and community participation in language instruction educational programs; (7) effective methods of evaluation for language instruction educational programs; or (8) other research that furthers the Center's mission.

*Improving Low Achieving Schools Research Center*

A Center for Improving Low Achieving Schools is authorized to conduct research that would help develop and implement effective programs for improving student achievement, especially in reading, math, and science, at schools with high concentrations of poverty, minorities, students with disabilities, and Limited English Proficiency students. The Center should focus particularly on schools that are not meeting Adequate Yearly Progress or are at risk of not meeting Adequate Yearly Progress, as defined by the No Child Left Behind Act of 2001.

*Center on Innovation in Education Reform*

The Center on Innovation in Education Reform shall conduct scientifically valid research identifying (1) the best practices in the design and implementation of educational reform programs involving charter schools, magnet schools, public school choice, extended learning, or whole-school reform; (2) the effectiveness of such reform programs in improving student academic achievement, particularly in school districts with high concentrations of disadvantaged students; or (3) other topics relevant to innovative school reform programs.

*Postsecondary Education and Training Center*

A Center on Postsecondary Education and Training is authorized to conduct research on: (1) academic access and preparation for postsecondary education and training such as academic readiness, transition to postsecondary education, enrollment rates, and persistence rates; (2) financial access to postsecondary education and training such as the availability of different types of financial aid, the impact of different types of financial aid on the decision to enroll and persist in postsecondary education, the impact of debt burden on college enrollment, persistence and career choices, and trends in college costs; (3) strategies and statistical analyses on how to prepare a diverse student body to participate in today's labor force; (4) the impact of postsecondary education and training on labor force development and economic growth; and (5) the impact of distance education on access to postsecondary education and the academic success of the students who choose to utilize distance education.

*State and Local Policy Center*

A State and Local Policy Center is authorized to conduct research to examine the effects of State and local policy reforms on students' access to educational opportunities and success academically and in life, including policies on school finance, school staffing and organization (including efforts to improve teacher quality), K-16 linkages, meeting accountability requirements, elementary and secondary school reform, intergovernmental relationships, utilization of best practices based on scientifically valid research, or other research that furthers the center's mission.

*Teacher Quality*

In order to better meet the requirements of No Child Left Behind, the Center for Teacher Quality shall conduct research on issues that impact the teaching profession. Research should include studies of (1) the effectiveness of teacher training programs through traditional and alternative routes to certification; (2) innovative measures to attract, retain and continue to build the skills of teachers through high quality in-service and pre-service professional development programs; and (3) performance assessment, hiring practices and compensation policies. The committee feels strongly that any research done on teacher quality should give special attention to improving the quality of teachers in high need public elementary and secondary schools, as well as fields with high vacancy rates, such as mathematics, science, English language learning and special education.

*Rural Education Research Center*

A Center for Rural Education is authorized to conduct research on (1) increasing the capacity of rural schools to initiate and sustain systemic changes designed to facilitate high levels of academic achievement for all students; (2) effective methods of utilizing distance education to improve elementary, secondary, and postsecondary education for rural students; (3) ensuring all rural students have access to postsecondary education and training; (4) other topics relevant to improving education in rural areas.

All of the Research Centers will be awarded contracts for up to 5 years to conduct research on the relevant topics, which may be renewed for up to 5 years without re-competing if the Commissioner and the Director feel that the quality of work and the needs in the field require such continuation. The committee intends for grants for National Research and Development Centers to be awarded to the most eligible applicant. While current eligible Research and Development Center grantees are limited to institutions of higher education, we recognize that other entities or consortia who demonstrate the ability to conduct scientifically valid research and have the capacity to successfully conduct the required functions should be eligible to compete. To the extent feasible, all research carried out under this subsection shall be disaggregated by age, race, gender, and socio-economic background so that it may be most useful to States and schools seeking to replicate results.

## THE CENTER FOR EDUCATION STATISTICS

The Commissioner for the Center for Education Statistics shall collect, analyze and report education data. The new requirements make the accurate and timely report of the NCES critical if States and school districts are to comply with the new reporting requirements of NCLBA. Data on student achievement, teacher quality, school financing and retention and completion rates will be of increased interest to parents, teachers, school officials and policy-makers.

The committee feels strongly that NCES should develop a set of standards and guidelines to assist states in the development of statewide systems to collect data on student achievement, progress and other relevant points. Regarding Section 153(a)(5), the committee feels that the NCLBA requires LEA's and schools to collect detailed information on student performance and make this data available to the public. The committee believes that NCES would be able to provide valuable assistance to States and LEA's without significant past experience in collecting, standardizing, and disseminating this type of data. The standards and guidelines should focus on the statistical questions surrounding data collection, such as how to track students over time and how to protect student privacy, and ways to ensure the quality and integrity of data. The guidelines should also be consistent with ensuring the appropriate use of student performance data and should encourage interoperability across States to track migrant and homeless students and others who may move among States.

Although NCES may indicate best practices, the committee feels that the standards should be guidelines, not particular software, and that those guidelines are not intended to establish one mandatory reporting format. Nothing in section 153(a) shall be construed to require a State educational agency to comply with such a standard or guideline.

In addition, by proposing a set of guidelines and encouraging States to use them when and if they apply for the grant program authorized in title II for statewide, longitudinal data systems, it can help encourage a similar process for data collection across the country which will allow for better comparisons across the States. These high quality longitudinal data systems will be integral to ensuring that no child is left behind.

The No Child Left Behind Act (NCLB) requires State education departments and local school districts to ensure that low-income and minority students are not taught disproportionately by inexperienced, unqualified, or out-of-field teachers. The data collected and disseminated by the Department plays a critical role in evaluating compliance with this important obligation. Although local school districts and State departments of education will begin self-reporting on these issues, only the Department has the capacity to provide comparable national data with which to conduct state-by-state and within State analyses of teacher distribution. The SASS survey provides valuable information on this issue, but the most recent survey has taken 5 years to be conducted. The Department has utilized its Fast Response Survey protocol periodically to examine teacher quality issues on a more frequent basis, but the sample size has been insufficient to allow reliable state-by-state and within

State analysis of teacher quality and distribution. To facilitate a better understanding of teacher distribution and to provide an external data source with which to evaluate compliance with the teacher quality and distribution provisions of NCLB, the committee urges NCEES to collect and disseminate data regarding the qualifications of the distribution of teachers on an annual or semiannual basis.

#### NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

The committee feels strongly that it is important to maintain the independence of the National Assessment of Educational Progress (NAEP), especially with the expanded role it is assigned under NCLBA. The committee has added overseeing the release of NAEP data to the public to the duties of the National Assessment Governing Board to make the Assessment Board responsible for planning and for executing NAEP data releases. The committee also agrees that the Assessment Board is responsible, with respect to NAEP, for developing and overseeing the implementation of the peer review process described in section 186(c).

#### THE NATIONAL CENTER FOR EDUCATION EVALUATION

The Commissioner of the National Center for Education Evaluation will decide on a scope of work that will include the evaluation of Federal programs, conduct field-based evaluations of state and local programs and oversee the quality of other evaluations done with the Department.

#### THE NATIONAL CENTER FOR KNOWLEDGE UTILIZATION IN EDUCATION

The Commissioner of the National Center for Knowledge Utilization in Education is responsible for the wide dissemination of research, statistics and evaluation conducted at the Institute in a manner that is user-friendly for the members of the broad education community and the oversight of the National Education Library and the ERIC system. The committee believes that the Commissioner should have the ability to restructure the ERIC system to improve quality and efficiency, but the committee also believes that all of the topics currently covered by the ERIC system should continue to be covered under any new configuration.

In requiring the dissemination of the most current research findings, the committee believes that access to older research reports, findings, and information remains both useful and necessary. The committee does not intend for older research reports, findings, and information to be deleted from the dissemination mechanisms of the National Center for Knowledge Utilization in Education or the U.S. Department of Education.

The Commissioner is also directly responsible for the Regional Education Laboratories. The Regional Education Laboratories are responsible for conducting applied research reflecting the needs of the field, providing technical assistance and professional development to states and school districts as they begin to implement the requirements of NCLBA, developing products to improve student achievement and educational access, and disseminating information on research within their region.

The Regional Education Laboratories (REL) shall collaborate with other technical assistance providers in their region to ensure the broadest coverage and nonduplication when providing assistance to States and local school districts, with a priority on serving high poverty urban and rural school districts. Each REL will conduct a biennial needs assessment of their region with the cooperation of their governing board.

The committee intends that the REL, in establishing its regional governing board, shall include the Chief State School Officer from each State in the region, and the REL shall select from nominations received from organizations representing superintendents, principals, institutions of higher education, teachers, parents, business, and researchers in the states in the Regional Education Laboratory's region.

In making selections from among these nominations, the REL shall ensure that the board maintains a regional and technical expertise balance; the REL should not be expected to select all nominations to do so.

#### TITLE II

Currently there are a variety of underfunded regional technical assistance providers. The committee established in title II the provision for no fewer than 20 Comprehensive Centers, which will include individual agencies or consortia of training providers, who will offer technical assistance and professional development to district and school staff in implementing school reform projects.

While recognizing the contribution of all the regional technical assistance providers in an attempt to respond to the comprehensive needs of schools, the committee does not reauthorize the Eisenhower Math and Science Consortia, or the Regional Technology Assistance Centers (R-Techs).

In order to cause a minimum disruption in the services to schools, the committee extends the awards to all existing regional technical assistance providers—the Eisenhower Consortia, the R-Techs and the existing comprehensive centers through FY 04. In establishing the new Comprehensive Centers in Title II, Section 203 of this Act, the members of the committee intend that the current Regional Technology in Education Consortia and Eisenhower Regional Mathematics and Science Consortia will continue their services through the 2003–04 school year. We encourage the Department of Education to conduct a competition for the new Comprehensive Centers in the 2003–04 school year so that these centers will begin their services with the 2004–05 school year. In order to ensure that SEA's, LEA's and local schools receive the needed technical assistance throughout this transition into the new Comprehensive Centers, it is also our intention that there shall be no gap in services for these entities. The members of the committee would encourage those existing Regional Technology in Education Consortia and Eisenhower Regional Mathematics Consortia to submit an application to become a Comprehensive Center.

It is the intent of this committee that when that new competition is held that the amount dedicated to technical assistance and professional development will be greater than the \$53 million that is currently appropriated. It is critical if schools are to rely on one Comprehensive Center to provide service to them in reading, math-

ematics, science, English language learning, and technology that the number of Centers, as well as the funding for each Center, should reflect the scope of the job. It is equally important that the applicants for the new Comprehensive Centers reflect demonstrated expertise in delivering technical assistance and professional development in reading, mathematics, science, English language acquisition and the use of technology, to improve teaching and learning in those areas.

The authorizations for the continuation of both the Eisenhower National Clearinghouse and the Education Facilities Clearinghouse are also in title II. Both entities provide an important service to schools and the committee encourages efforts to improve their quality and expand their use.

As states begin the implementation of the reporting requirements for the NCLBA, some states are finding that their technology infrastructure is unable to comply with the collection, disaggregation and reporting of school data. In response to this need, the committee has given the Secretary the authority to award competitive grants to States to upgrade their technology without new authorization.

#### CONDITION OF EDUCATION IN RURAL SCHOOLS REPORT

The committee acknowledges the positive impact made by the U.S. Department of Education's Office of Educational Research and Improvement in producing the Condition of Education in Rural Schools report in 1994. The committee encourages the Institute for Education Sciences to produce future Condition of Education in Rural Schools reports on a regular basis. The committee further encourages the Institute to include topics addressed in the original 1994 report and additional issues, including the role and impact of technology for rural schools, the latest research and statistics on the state of rural schools facilities, population declines, cost factors, transportation issues and data associated with English language learners in rural schools. Furthermore the committee strongly urges the report to identify the state of the knowledge base for rural education research and what additional research is needed to inform the education research and policy community in its endeavor to assist rural schools.

The committee also encourage the Institute to utilize existing rural education resources within the Department, including the new National Center for Rural Education, Navigating Resources for Rural Schools, Pulling Together: R&D Resources for Rural Schools, and the ERIC Clearinghouse on Rural Education and Small Schools in the development of future reports.

## VI. COST ESTIMATE

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 30, 2002.*

Hon. EDWARD M. KENNEDY,  
*Chairman, Committee on Health, Education, Labor, and Pensions,  
 U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2969, the Education Sciences Reform Act of 2002.

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

Sincerely,

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

Enclosure.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 2969—Education Sciences Reform Act of 2002*

Summary: S. 2969 would restructure and reauthorize programs authorized under the National Education Statistics Act of 1994, and the Educational Research, Development, Dissemination, and Improvement Act of 1994. These programs previously were authorized through fiscal year 2002. S. 2969 would reorganize and reauthorize these programs through 2008.

The bill would authorize total appropriations of \$734 million in 2003. CBO estimates that total authorizations under S. 2969 would amount to about \$4.6 billion over the 2003–2008 period, assuming that annual levels are adjusted to keep pace with inflation when specific annual authorization are not provided. (Without such inflation adjustments, total authorizations would be about \$4.4 billion over the 2003–2008 period.) CBO estimates that appropriations of the authorized levels would result in additional outlays of \$3.9 billion over the 2003–2008 period if inflation adjustments are included (and about \$3.7 billion without inflation adjustments). Enacting the bill would not affect direct spending or receipts.

S. 2969 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would authorize programs and grants for educational research, and state, local, and tribal governments would benefit from both funding and technical assistance. Any costs they incur as a result of applying for and receiving the grants would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2969 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 2969, THE EDUCATION SCIENCES REFORM ACT OF 2002

	By fiscal year, in millions of dollars—						
	2002	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION WITH ADJUSTMENTS FOR INFLATION							
Spending under Current Law:							
Budget Authority <sup>1</sup> .....	444	0	0	0	0	0	0
Estimated Outlays .....	366	317	89	0	0	0	0
Total Proposed Changes:							
Estimated Authorization Level .....	0	734	749	764	779	795	811
Estimated Outlays .....	0	184	591	750	765	780	796
Spending Under S. 2969:							
Estimated Authorization Level .....	444	734	749	764	779	795	811
Estimated Outlays .....	366	500	680	750	765	780	796
WITHOUT ADJUSTMENTS FOR INFLATION							
Spending under Current Law:							
Budget Authority <sup>1</sup> .....	444	0	0	0	0	0	0
Estimated Outlays .....	366	317	89	0	0	0	0
Total Proposed Changes:							
Estimated Authorization Level .....	0	734	734	734	734	734	734
Estimated Outlays .....	0	184	587	734	734	734	734
Spending Under S. 2969:							
Estimated Authorization Level .....	444	734	734	734	734	734	734
Estimated Outlays .....	366	500	676	734	734	734	734

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

Note.—Components may not sum to totals because of rounding.

Basis of estimate: S. 2969 would reorganize and reauthorize programs created under the National Education Statistics Act and the Educational Research, Development, Dissemination, and Improvement Act. All programs would be reauthorized at specific levels for 2003 and for such sums as may be necessary for 2004 through 2008.

S. 2969 would increase authorized levels by \$734 million in 2003 and by an estimated \$4.6 billion over the 2003–2008 period assuming that “such sums” amounts provided after 2003 are adjusted for inflation. If the authorized amounts are appropriated, outlays would increase relative to current law by \$194 million in the first year and by \$3.9 billion over the six-year period. (Without inflation adjustments, the increased authorizations would result in outlays of \$3.7 billion over the six years.)

Table 2 presents CBO’s estimates with inflation adjustments for the various components of each title under S. 2969. The bill specifies authorization levels for 2003 and CBO’s estimate of authorization levels for subsequent years reflect inflation adjustments to the 2003 amounts. The estimated outlays reflect historical rates of spending for the affected programs.

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

Title I of S. 2969 would authorize a total of \$520 million in 2003. CBO estimates the total funding for title I for the 2003–2008 period would be \$3.3 billion, assuming adjustments for inflation, with resulting outlays of \$2.7 billion over those six years.

*Part A—The United States Institute for Education Sciences.* The institute would replace the current Office of Education, Research, and Improvement although it would continue to support and con-

duct education research and statistics activities. The institute would oversee the National Education Centers created in Parts B, C, D, and E and would be run by a director and overseen by a National Board for Education Sciences. Although more autonomous in structure, the institute would remain part of the Department of Education.

*Part B—National Center for Education Research.* S. 2969 would structure and rename the current National Education Research Institutes into the National Research and Development Center. The center’s mission would include sponsoring research into a broad range of activities intended to enhance educational quality. It would support up to 15 other research and developmental centers, 10 of which would focus on specific areas of research such as adult literacy, educational assessment, improving low achieving schools, teacher quality, and other topics.

*Part C—National Center for Education Statistics.* Part C would reauthorize the National Center for Education Statistics. The center would continue and analyze data and report the information to practitioners, researchers, policymakers, and the public.

TABLE 2.—DETAILED EFFECTS OF S. 2969, THE EDUCATION SCIENCES REFORM ACT OF 2002, WITH ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—						
	2002	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION							
Spending Under Current Law:							
Budget Authority <sup>1</sup> .....	444	0	0	0	0	0	0
Estimated Outlays .....	366	317	89	0	0	0	0
Proposed Changes:							
Title I—Education Sciences Reform							
United States Institute for Education Sciences:							
Estimated Authorization Level .....	0	400	408	416	425	433	442
Estimated Outlays .....	0	100	322	409	417	425	434
Regional Educational Laboratories:							
Estimated Authorization Level .....	0	120	122	125	127	130	133
Estimated Outlays .....	0	30	97	123	125	128	130
Subtotal:							
Estimated Authorization Level .....	0	520	531	541	552	563	575
Estimated Outlays .....	0	130	419	531	542	553	564
Title II—Regional Educational Applied Research and Technical Assistance							
School Facilities Clearinghouse:							
Estimated Authorization Level .....	0	2	2	2	2	2	2
Estimated Outlays .....	0	1	2	2	2	2	2
Comprehensive Centers and Data Systems Grant Program:							
Estimated Authorization Level .....	0	100	102	104	106	108	111
Estimated Outlays .....	0	25	81	102	104	106	108
Subtotal, Title II:							
Estimated Authorization Level .....	0	102	104	106	108	111	113
Estimated Outlays .....	0	26	82	104	106	108	111
Title III—National Assessment of Educational Progress							
National Assessment Governing Board:							
Estimated Authorization Level .....	0	5	5	5	5	5	5
Estimated Outlays .....	0	1	4	5	5	5	5
National Assessment of Education Progress:							
Estimated Authorization Level .....	0	108	110	112	114	116	119
Estimated Outlays .....	0	27	87	110	112	114	117
Subtotal, Title III:							
Estimated Authorization Level .....	0	112	114	117	119	121	124
Estimated Outlays .....	0	28	90	115	117	119	122

TABLE 2.—DETAILED EFFECTS OF S. 2969, THE EDUCATION SCIENCES REFORM ACT OF 2002, WITH ADJUSTMENTS FOR INFLATION—Continued

	By fiscal year, in millions of dollars—						
	2002	2003	2004	2005	2006	2007	2008
Total Proposed Changes:							
Estimated Authorization Level .....	0	734	749	764	779	795	811
Estimated Outlays .....	0	184	591	750	765	780	796
Spending Under S. 2969:							
Estimated Authorization Level <sup>1</sup> .....	444	734	749	764	779	795	811
Estimated Outlays .....	366	500	680	750	765	780	796

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

Note.—Components may not sum to totals because of rounding.

*Part D—National Center for Education Evaluation.* This center would coordinate evaluations of federal education programs administered by the Secretary of Education to determine the impact of the programs, especially on student academic achievement in reading, mathematics, and science.

*Part E—National Center for Knowledge Utilization in Education.* This center would house the 10 current regional educational laboratories, the National Library of Education, and the Educational Resources Information Center.

*Part F—General Provisions.* Part F authorize \$400 million in 2003 for the United States Institute of Education Sciences and its centers (excluding the regional educational laboratories), and such sums as may be necessary for 2004 through 2008. Funding in 2002 for comparable programs totaled \$206 million. Part F also would authorize \$120 million for 2003 and such sums as may be necessary for each of the next five years for regional educational laboratories. Funding 2002 was \$68 million.

#### *Title II—Regional Educational Technical Assistance*

Title II would authorize a total of \$102 million in 2003 and would authorize such sums as may be necessary in 2004 through 2008. CBO estimates the total funding for title II for the 2003–2008 period would be \$644 million, assuming adjustments for inflation, with resulting outlays of \$537 million over those six years.

*Comprehensive Centers and Grant Program for Statewide, Longitudinal Data Systems.* S. 2969 would authorize \$100 million in 2003 and such sums as may be necessary in 2004 through 2008 for Comprehensive Centers and a grant program for statewide data systems. The Comprehensive Centers would work with state educational agencies and schools in the region on school improvement activities. The Statewide Longitudinal Data Systems program would award competitive grants to state educational agencies to design and develop statewide data systems to track individual student progress. Similar programs were funded at \$58 million in 2002.

*School Facilities Clearinghouse.* The bill would authorize \$1.5 million in 2003 and such sums as may be necessary for years 2004 through 2008 for a school facilities clearinghouse. The clearinghouse would collect and disseminate information on best practices for school facility planning and operations. The program was funded at \$1.1 million in 2002.

*Title III—National Assessment of Educational Progress*

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

*Repeals.* S. 2969 would repeal the National Education Statistics Act of 1994, Parts A through E and Parts K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act), and section 401(b)(2) of the Department of Education Organization Act.

*Intergovernmental and private-sector impact:* S. 2969 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would authorize programs and grants for educational research, and state, local, and tribal governments would benefit from both funding and technical assistance. Any costs they incur as a result of applying for and receiving the grants would be voluntary.

*Previous estimate:* On April 3, 2002, COB transmitted a cost estimate for H.R. 3801, the Education Sciences Reform Act of 2002, as ordered reported by the House Committee on Education and the Workforce on March 20, 2002. The two bills are similar; however, the authorizations of appropriations are structured differently and S. 2969 would authorize slightly higher total appropriations than H.R. 3801.

*Estimate prepared by:* Federal costs: Donna Wong; impact on state, local, and tribal governments: Leo Lex; impact on the private sector: Nabeel Alsalam.

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

VII. REGULATORY IMPACT STATEMENT

The committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

VIII. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The Committee has determined that there is no legislative impact.

IX. SECTION-BY-SECTION ANALYSIS

Title I—Education Sciences Reform

*Section 101. Short title*

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

*Section 102. Definitions*

Defines key terms used in title I including: elementary and secondary school, local and State education agency, freely associated states and outlying areas; applied research; basic research; Board; bureau; comprehensive center; Department; development; Director;

dissemination; early childhood educator; field-initiated research; historically Black colleges; Institute; institution of higher education; national research and development center; provider of early childhood services; scientifically based research; scientifically valid education evaluation; scientifically valid research; Secretary; and technical assistance;

PART A—THE UNITED STATES INSTITUTE FOR EDUCATION SCIENCES

*Section 111. Establishment*

There shall be in the Department of Education, the Institute for U.S. Education Sciences to be administered by a director and board of directors.

The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study. This will provide parents, educators, students, researchers, policymakers and the general public with information about: the condition and progress of education (including early education) in the United States; educational practices that support learning and improve academic achievement and educational equity for all students; and the effectiveness of Federal and other education programs.

The Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need that are supported by federal funds appropriated to the Institute. The Institute shall also ensure that activities: conform to high standards of quality, integrity, and accuracy, and are objective, secular, neutral, and non-ideological, and are free of partisan political influence and racial, cultural, gender, or regional bias.

The Institute shall consist of: The Office of the Director; The National Board for Education Sciences; and The National Centers, including the National Center for Education Research, the National Center for Education Statistics, the National Center for Education Evaluation, and the National Center for Knowledge Utilization in Education.

*Section 112. Functions*

Through funding, the Institute, directly or through grants, contracts, or cooperative agreements, shall: conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development and wide dissemination; disseminate the findings and results of scientifically valid research in education; promote the use, development, and application of knowledge gained from scientifically valid research activities; strengthen the national capacity to conduct, develop, and disseminate scientifically valid research in education; promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and promote the use and application of research and development to improve teaching and learning.

*Section 113. Delegation*

The Secretary shall delegate to the Director all functions for carrying out this title except that: nothing in this title or in the National Assessment of Educational Progress Authorization Act shall limit the role, responsibilities or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress; appointments made to the National Assessment Governing Board; section 302 (f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board; and sections 115 and 116 shall not apply to both the National Assessment of Educational Program or the National Assessment Governing Board.

The Secretary may assign the Institute responsibility for administering other activities, if those activities are consistent with: the Institute's priorities, as approved by the National Board of Education Sciences; or the Institute's mission, but only if those activities do not divert the Institute's focus from activities that are consistent with its priorities and mission.

*Section 114. Office of the Director*

The President shall appoint the Director of the Institute with the advice and consent of the Senate.

The Director shall serve a 6-year term. The first Director shall be the Assistant Secretary of the Office of Educational Research and Improvement. The Board may make recommendations to the President with respect to subsequent directors. The Director shall be paid the rate of level II of the Executive Schedule.

In the future, the Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within the areas, and have a demonstration capacity for sustained productivity and leadership.

The Director shall administer, oversee, and coordinate the activities carried out by the Institute, including the activities of the National Centers. In addition, the Director shall coordinate and approve budgets and operating plans for each of the National Centers for submission to the Secretary.

The duties of the Director shall include: proposing Institute priorities to the Board; ensuring the methodology applied in conducting education research and related activities research, development, evaluation, and statistical analysis is consistent with the title; coordinating with both the Department and the Federal Government the work carried out by the Institute; advising the Secretary on research, evaluation, and statistics relevant to Department activities; establishing necessary procedures for technical and scientific peer review activities of the Institute; ensuring that all participants in research conducted or supported by the Institute are afforded their privacy rights and other relevant protections in accordance to the U.S. Code and General Education Provisions Act; ensuring activities conducted or supported by the Institute are objective, secular, neutral, and non ideological and are free of partisan political influence and racial, cultural, gender, or regional bias; increasing participation of researchers and institutions that have been historically under-utilized in Federal education research activities, including minority-serving institutions; coordinating with

the Secretary to promote and provide coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers; soliciting and considering recommendations of education stakeholders to ensure broad and regular public and professional input from the educational field in the Institute's activities; coordinating the dissemination of information on scientifically valid research; and carrying out and supporting other activities consistent with the priorities and mission of the Institute.

The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations, as the Director deems necessary. The Director shall appoint personnel to serve as members of such a group or committee, without additional compensation.

The Director may review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically-valid.

*Section 115. Priorities*

The Director shall propose to the Board priorities for the Institute, which take into consideration long-term research and development on core issues conducted through the national Research and Development Centers. The Director shall identify topics that may require long-term research and topics that focus on understanding and solving particular education problems and issues, including those associated with the Elementary and Secondary Education Act and the Higher Education Act, such as: closing the achievement gap; ensuring that all children have access to a high-quality education and reach proficiency on challenging State academic achievement standards and assessments (particularly in math, science, and reading or language arts); educational access to postsecondary education; and the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

The Board shall review the priorities proposed by the Director and make revisions, if necessary. The Board shall also transmit priorities to the appropriate congressional committees. The Board shall ensure that priorities for the Institute and National Centers are consistent with the Institute's mission.

The Director shall make such priorities available to the public for comment through the Internet and the Federal Register before submitting them to the Board, and submit all comments to the Board. Upon the approval of priorities, the Director shall make the Institute's plan for addressing the priorities available for public comment.

The Board shall approve or disapprove the priorities of the Institute, including any necessary revisions. In addition, the Board shall transmit approved priorities to the appropriate congressional committees. The Board shall also ensure that priorities of the Institute and the National Center for Educational Research and the National Center for Education Evaluation are consistent with the mission of the Institute.

*Section 116. National Board for Education Sciences*

The Institute shall have a board of directors, known as the National Board for Education Sciences.

The duties of the Board shall be to: advise and collaborate with the Director on policies; consider, approve, and guide the priorities proposed by the Director; review and approve procedures for technical and scientific peer review of the Institute's activities; advise the Director on the establishment of activities to be supported by the Institute; present the Director with recommendations for strengthening educational research and funding; advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research after peer review; review and evaluate the Institute's work to ensure that scientifically valid research, evaluation, and statistical analysis are consistent with standards; advise the Director on ensuring that activities are objective, secular, neutral, and nonideological and free of partisan political influence and racial, cultural, gender, or regional bias; solicit advice and information from the educational field; advise the Director on opportunities for the participation and advancement of women, minorities, and persons with disabilities in research, statistics, and evaluation activities for the Institute; recommend ways to enhance strategic partnerships and collaborative efforts among Federal and State research agencies; and recommend to the Director individuals to serve as Commissioners of the National Centers.

The Board shall have 15 voting members appointed by the President with the advice and consent of the Senate, the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

The Board shall also have nonvoting ex officio members including: the Director of the U.S. Institute for Education Sciences; each commissioner of the National Centers; the Director of the National Institute of Child Health and Human Development; the Director of the Census; the Commissioner of Labor Statistics; and the Director of the National Science Foundation.

The appointed members shall be highly qualified to appraise education research, statistics, evaluations, or development. It shall include not fewer than eight researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include researchers recommended by the National Academy of Sciences. The Board shall also include individuals who are knowledgeable about the education needs of the country, and may include school-based professional educators, parents, chief state school officers, State postsecondary education executives, presidents of institutions of higher education, superintendents, early childhood experts, principals, members of State or local boards of education, and individuals from business and industry.

Each member appointed to the Board shall serve a 4-year term. However, terms of initial members appointed shall be for staggered terms of: 4 years for each of 5 members; 3 years for each of 5 members and 2 years for each of 5 members. In addition, no Board member shall serve more than two consecutive terms. The Board is responsible for electing a chair from among the members.

Members of the Board will not be paid, however they will receive travel expenses in accordance with the U.S.

The Board shall have an executive director appointed by the Board.

The Board shall utilize additional staff as may be appointed or assigned by the Executive Director, in consultation with the Chair and the approval of the Director.

The Board may also use the services and facilities of any department or agency of the Federal Government and to the extent permitted by law, obtain information as they determine necessary to carry out its functions.

The Board may enter into contracts or make arrangements as may be necessary to carry out its functions. The Board shall meet not less than two times each year, and can hold additional meetings at the call of the chair or upon the written request of six voting members. In addition, all meetings shall be open to the public.

The Board may establish standing committees that will each serve one of the National Centers. In addition, they can advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Centers.

The majority of the members of each standing committee shall be voting members of the Board. In addition, the membership of each standing committee may include: experts and scientists in research, statistics, evaluation, or development; ex officio members of the Board; and policy makers and expert practitioners.

The Board may establish standing committees. Each standing committee shall review and comment, at the discretion of the Board, on any grant, contract, or cooperative agreement entered into by the applicable National Center. They shall also prepare for and submit to the Board an annual evaluation for the operations of the applicable National Center. In addition, they shall review and comment on the relevant plan for activities to be undertaken by the Center for each fiscal year, and report periodically to the Board regarding the activities of the committee and Center.

By July 1 of each year, the Board shall submit to the Director, Secretary, and appropriate congressional committees a report that assesses the effectiveness of the Institute in carrying out its priorities and mission.

The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. An interim report shall be submitted not later than 3 years after enactment and a final report not later than 5 years after enactment.

*Section 117. Commissioners of the National Center for Research and the National Center for Evaluation and the National Center for Knowledge Utilization in Education*

The National Centers shall be headed by commissioners appointed by the Director. In appointing commissioners, the Director shall seek to promote continuity in leadership of the National Centers while taking into consideration recommendations of the Board.

Each commissioner shall receive the rate of basic pay for level IV of the Executive Schedule and be highly qualified in the field of education research or evaluation.

Each commissioner shall report to the Director. A commissioner shall serve for a period of not more than 6 years. However, a commissioner may be reappointed by the Director and may serve after

the expiration of their term until a successor has been appointed, which shall not exceed one additional year.

The National Center for Education Statistics shall be headed by a commissioner for Education Statistics who shall be appointed by the President, with advice and consent of the Senate. The Commissioner shall have substantial knowledge of programs assisted by the National Center for Education Statistics, receive the rate of basic pay for level IV and serve a 6-year term, which shall expire every sixth year on June 21, beginning in 2003.

Each commissioner shall coordinate with each of the other commissioners in carrying out their duties.

*Section 118. Agreements*

The Institute may carry out research projects of common interest with the National Science Foundation and the National Institute of Child Health and Human Development through agreements in accordance with section 430 of the General Education Provisions Act.

*Section 119. Biennial report*

On a biennial basis, the Director shall transmit to the President, the Board, the appropriate congressional committees, and the public, a report containing the following: a description of the activities carried out by and through the National Centers; a summary of each grant, contract and cooperative agreement in excess of \$100,000 funded through the Centers, which shall be available in a user-friendly electronic database; a description of how the activities of the Centers are consistent with the principles of scientifically valid research and the priorities of the Institute; and additional comments, recommendations, and materials, as appropriate.

*Section 120. Competitive awards*

Activities carried out under this act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis, and when practicable, through a process of peer review.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

*Section 131. Establishment*

There is established in the Institute a National Center for Education Research, referred to as the “Research Center.”

The mission of the Research Center is to: sponsor sustained research that will lead to the accumulation of knowledge and understanding of education to ensure that all children can obtain a high quality education and improve academic achievement and close the achievement gap between high- and low-performing students, ensure access and opportunity for postsecondary education, and ensure that educational institutions are free of violence and promote characteristics which are important requirements of citizenship; support the synthesis and integration of education research; promote quality and integrity through the use of accepted practices of scientific inquiry; and promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

*Section 132. Commissioner for Education Research*

The Research Center shall be headed by a commissioner, who shall have substantial knowledge of the activities of the Research Center.

*Section 133. Duties*

The Research Center shall:

- (1) Maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the Research Center;
- (2) Propose to the Director a research plan consistent with the priorities and mission of the Institute and Research Center;
- (3) Carry out specific long-term research activities consistent with the priorities and mission of the Institute and approved by the Director.
- (4) Implement the plan to carry out scientifically valid research that uses objective and measurable indicators, including timeliness, meets procedures for peer review, and includes basic and applied research;
- (5) Promote scientifically valid research within the Federal Government and interagency research projects;
- (6) Ensure that research is relevant to education practice and policy;
- (7) Synthesize and disseminate, through the National Center for Knowledge Utilization in Education, the findings and results of education research conducted and supported by the Research Center;
- (8) Assist the Director in preparation of the Institute's biennial report;
- (9) Carry out research on successful state and local education reform activities approved by the Director;
- (10) Address research and development areas related to how technology affects student achievement, cognitive learning, and the implementation and best models of how to best integrate technology into the classroom; and
- (11) Carry out research that is rigorous, peer-reviewed, and large scale to determine the most effective, cost efficient, applicable, and duplicated mathematics and science teaching models for use in elementary and secondary classrooms.

Research carried out through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

The Research Commissioner shall support not more than 15 national research and development centers including: An Adult Literacy Center; an Assessment, Standards, and Accountability Research Center; an Early Childhood Development and Education Research Center; an English Language Learners Research Center; a Center for Improving Low Achieving Schools; a Center on Innovation in Education Reform; a Center on Postsecondary Education and Training; a Center on State and Local Policy; a Center on Rural Education; and a Center on Teacher Quality.

The National Research and Development Centers shall address areas of national need. In addition, the research carried out shall

incorporate the current or potential role of education technology in achieving the goals of each center.

Support for a National Research and Development Center shall be for 5 years, and may be renewed without competition for not more than an additional 5 years if the Director in consultation with the Research Commissioner and the Board, determines that the research of the National Research and Development Center continues to address priorities of the Institute and merits renewal.

No National Research and Development Center may be supported for more than ten years without a competitive process for the award of the support.

The Director shall continue awards made to the national research and development centers that are currently in effect on the date of enactment in accordance with the terms of the awards.

Research conducted shall be disaggregate by age, race, gender, and socioeconomic background.

Each Center that receives funding shall use technology, where appropriate.

*Section 134. Standards for conduct and evaluation of research*

The Research Commissioner shall: ensure all research follows scientifically based research standards; develop other standards necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out to ensure high standards; review procedures used by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, in addition to soliciting recommendation for research organizations and the public to develop the highest standards; and ensure research complies with Federal guidelines relating to research misconduct.

The Director shall establish a peer review system for evaluating and assessing the products developed by all recipients of grants and cooperative agreements that exceed \$100,000.

The Research Commissioner shall: develop procedures to be used in reviewing applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors which shall be considered; and evaluate the performance of each recipient of an award.

The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year are used to fund long-term research programs expected to last at least 5 years, which support the priorities and mission of the Institute and the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

*Section 151. Establishment*

There is established in the Institute a National Center for Education Statistics, referred to as the “Statistics Center.”

The mission of the Statistics Center shall be to: collect and analyze education information and statistics that meet the highest methodological standards; report information in a timely manner; ensure that information is gathered in an objective, secular, neutral, and nonideological and is free of partisan political influence

and racial, cultural, gender or regional bias; and is relevant and useful to practitioners, researchers, policymakers, and the public.

*Section 152. Commissioner for Education Statistics*

The Center shall be headed by a Commissioner for Education Statistics who shall be highly qualified and have substantial knowledge of statistical methodologies and activities.

*Section 153. Duties*

The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and other nations.

Specifically, the Center shall include:

(1) The collection, acquisition, compilation, and dissemination of full and complete statistics, disaggregated by population characteristics, on the condition and progress of education from preschool through adult levels in the United States. Within this data, the Center shall include information on State and local education reform activities, State and local early childhood school readiness activities, student achievement in core academic areas, secondary school completion, dropouts, and adult reading and literacy skills, access and opportunity for postsecondary education, including financial aid. In addition, data collected on teachers should include in-service professional development opportunities and the percentage of highly qualified teachers, instruction, the conditions of the workplace, and the supply and demand of teachers; and

A. Violence affecting schools;

B. Financing and management of education;

C. Social and economic status and academic achievement of children;

D. Existence and use of educational technology and access to the Internet by students and teachers at the elementary and secondary school level;

E. Educational access and opportunity for early childhood education;

F. Availability and access of before- and after-school programs;

G. Student participation and completion in secondary and postsecondary vocational and technical education programs by specific program area; and

H. Existence and use of school libraries;

(2) Conducting and publishing reports on the meaning of statistics which the Center will be responsible for compiling;

(3) Collecting, analyzing, cross-tabulating, and reporting disaggregated data;

(4) Assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, including assisting State educational agencies and local educational agencies with the desegregation of data and with the development of longitudinal student data systems;

(5) Determining standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems to track individual student progress;

(6) Acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations;

(7) Conducting longitudinal and special data collections to report on the condition and progress of education;

(8) Assisting the Director in preparing the biennial report; and

(9) Consulting with the National Research Council and the National Academies on the methodology by which States can accurately measure graduation rates;

The Commissioner may establish a training program or fellowship program to train employees of public and private educational agencies, organizations, and institutions in the use of statistical procedures and concepts in order to assist the Center in carrying out its duties.

#### *Section 154. Performance of duties*

The Statistics Commissioner may award grants, enter into contracts and cooperative agreements and provide technical assistance.

The Commissioner may also use sampling and random sampling in order to gather information from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions including other offices within the Institute and by other Federal departments and agencies.

In order to collect statistics, the Commissioner may: enter into interagency agreements; make arrangements with any agency, organization or institution; and assign employees of the Center to any such agency, organization, or institution to assist in such collection.

The Statistics Commissioner shall provide technical assistance and coordinate with other Department offices that gather statistical data.

The grants, contracts, and cooperative agreements under this section may be awarded on a competitive basis for not more than 5 years, and at the discretion of the Commissioner, can be renewed for an additional 5 years.

#### *Section 155. Reports*

The Statistics Commissioner shall establish procedures to ensure that the reports issued are relevant, high quality, useful, subject to peer review, produced in a timely fashion, and free from partisan political influence.

The Commissioner shall submit to the President and appropriate congressional committees a report on the condition and progress of education across the country by June 1, 2003, and each following June 1. In addition, the Commissioner shall issue regular and special statistical reports on education topics, particularly in the areas of reading, mathematics, and science.

#### *Section 156. Dissemination*

The Statistics Center may furnish transcripts or copies of tables and other statistical records and make compilations and surveys for State and local officials, public and private organizations and

individuals. The Center shall provide State education agencies, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations of statistics, surveys, and analyses that will assist those educational agencies.

The Statistics Center shall provide special statistical compilations and surveys as the relevant congressional committees may request.

The Statistics Center may engage in joint statistical projects related to the mission of the Center or other statistical purposes authorized by law with nonprofit organization for agencies. The cost of such projects shall be equally shared, as determined by the Director.

Statistical compilations and surveys that are carried out by the Center, excluding both congressional requests and joint statistical projects, may be made subject to the payment of the actual or estimated cost of such work. All funds that are received in payment for work or services may be used to pay the costs directly or repay appropriations that initially bore all or part of such costs, or to refund excess sums.

The Statistics Center shall cooperate with other Federal agencies having a need for education data in providing access to education data. The Center shall provide all interested parties, including public and private agencies, parents, and other individuals, direct access to data that they collect for the purposes of research and acquiring statistical information.

*Section 157. Cooperative Education Statistics Systems*

The Statistics Center may establish one or more national cooperative education statistics systems in order to produce and maintain uniform information and data on education from early childhood through adult education, including libraries, which are useful for policymaking at the Federal, State and local levels.

*Section 158. State defined*

In Part C, "state" is defined as each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION

*Section 171. Establishment*

In the Institute, there will be a National Center for Education Evaluation, referred to as the "Evaluation Center." The mission of the Evaluation Center shall be to conduct evaluations of Federal education programs administered by the Secretary, and determine the impact of such programs. The Evaluation Center will focus on student achievement in core academic areas and support the synthesis and dissemination of results and encourage the use of scientifically valid education evaluation throughout the country.

*Section 172. Commissioner for Education Evaluation*

The Evaluation Center shall be headed by a commissioner for education evaluation. The Commissioner shall possess a capacity for sustained productivity and leadership in conducting scientifically valid education evaluations, and oversee all evaluation activi-

ties. In addition, they shall establish a methodology in reporting the findings to the public and appropriate congressional committees. The Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance, in order to carry out the duties under this part.

*Section 173. Duties*

The Evaluation Centers may: evaluate the impact of Federal education programs; support field-based evaluations of State and local education programs; examine evaluations conducted or supported by others to determine the quality and relevance of evidence of effectiveness generated by those evaluations; coordinate activities of the Center with other activities in the Department; review and supplement Federal education program evaluations to determine or enhance the quality and relevance of the evidence gathered; and assist the Director in the preparation of the biennial report.

The Evaluation Center shall adhere to the highest possible standards of quality for conducting scientifically valid education evaluation and be subject to peer review.

The Evaluation Commissioner shall administer all operations and contracts associated with evaluations authorized by part E of Title I of the Elementary and Secondary Education Act and administered by the Department on the date of enactment of this Act.

PART E—NATIONAL CENTER FOR KNOWLEDGE UTILIZATION IN  
EDUCATION

*Section 175. National Center for Knowledge Utilization in Education*

There is established in the Institute a National Center for Knowledge Utilization in Education. The Center shall include the ten regional education laboratories, the National Library of Education and the Educational Resources Information Center.

The Center shall be headed by a commissioner, who is highly qualified and shall: disseminate information on scientifically valid research, statistics, and evaluation to State and local educational agencies, institutions of higher education, the public, media, voluntary organizations, professional associations, and other constituencies; make information accessible in a friendly, timely and efficient manner to schools, institutions of higher education, educators, parents, administrators, policymakers, researchers, public and private entities, entities responsible for carrying out technical assistance through the Department and the general public; support regional laboratories in conducting, developing and disseminating education research, while providing technical assistance; manage the National Library of Education; and assist the Director in the preparation of a biennial report.

The Center shall ensure that disseminated information is cost-effective and non duplicative. It shall also include the most recent research findings that support both the Educational Resources Information Center (ERIC) and the clearinghouses to address the topics covered by the Educational Resources Information Center clearinghouses. The Center shall also describe the type of scientific evidence that is used to support the findings that are disseminated and clearly explain the appropriate use of the funding and the evi-

dence used to support the findings. In addition, the Center shall respond to inquiries from individuals or entities who are responsible for carrying out technical assistance.

The Director shall continue awards for the support of the Education Resources Information Center Clearinghouses and contracts for regional education laboratories, for the duration of those awards.

A National Library of Education shall continue within the Center. The National Library of Education shall be headed by an individual who is highly qualified in library science. The role of the Library is to: collect and archive information; provide a central location for information about education; provide comprehensive reference services related to education to employees of the Department of Education and its contractors and grantees, to Federal employees and members of the public; and promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

The information collected and archived shall include: products and publications developed through, or supported by the Institute and other relevant and useful education-related research, statistics, and evaluation materials that are consistent with scientifically valid research, priorities of the Institute, and developed by the Department and other Federal agencies or entities.

*Section 176. Regional Educational Laboratories for Research, Development, Dissemination, and Technical Assistance*

The Director shall enter into contracts with public or private entities to establish a networked system of 10 regional educational laboratories. The amount of assistance allocated to each laboratory by the Commissioner, shall reflect the number of local educational agencies and school-age children served by such laboratory, including the cost of providing services within the specific geographic areas. The regions served shall be the 10 geographic regions already in existence.

The Director shall invite applicants, including those already in existence, to compete for contracts through notice in the Federal Register and the Federal Business Opportunities publication. Each application submitted shall contain a 5-year plan which addresses the needs of all States within the region to be served.

In awarding contracts, the Director shall enter into a 5-year contract and ensure that the regional educational laboratories awarded have strong and effective governance, organization, management, and administration, and employ qualified staff.

The Commissioner shall share information about specific regional education laboratories' activities with the Department of Education, Director and Board; oversee a strategic plan ensuring each laboratory increases collaboration and resource-sharing activities; ensure that activities for each laboratory serve national interests; and ensure that each laboratory coordinates activities with the activities each other regional technical assistance provider.

In conducting competitions for contracts, the Director shall: actively encourage entities to compete by making information and technical assistance available; and seek input from chief executive officers, chief state school officers, educators, and parents on the need for applied research, dissemination, training, technical assist-

ance, and development activities and how those educational needs could be addressed most effectively.

The Director shall design objectives and measurable indicators to be used to assess programs or initiatives and ongoing progress and performance of regional laboratories, to ensure that education needs are being met. In addition, the Knowledge Utilization Commissioner shall establish a system for technical and peer review to ensure that research and products are consistent with the Institute's standards.

Each regional education laboratory shall promote the implementation of systemic school improvement strategies. The laboratory's central mission and primary functions shall be to: develop and disseminate education research products and processes; develop a plan for identifying and serving the needs of the region by conducting a continuing survey of needs; provide technical assistance; serve needs by providing research in usable forms; facilitate communication among those in education to help develop a plan to meet State education goals; providing training in education research, methods, practices and techniques; use applied research to assist in solving site-specific problems, including professional development and effective parental involvement strategies; conduct applied research projects designed to serve needs of the region; collaborate and coordinate services with other technical assistance providers funded by the Department of Education; provide support and technical assistance in exemplary and promising practices, curriculum frameworks, assessments, professional development, technology, school finance systems, and the development of administrative structures; and bring experts together to develop and implement school improvement plans and strategies.

Regional Educational Laboratories shall: collaborate with the National Centers to maximize research, and to keep the Centers apprised of their work and identify additional research needs that they have identified in the field; consult with the State educational agencies and library agencies in developing plans; develop strategies to utilize schools as an important component in reforming education and revitalizing rural communities; report and disseminate information on overcoming obstacles in high poverty urban and rural areas; and identify successful education programs used in laboratories to be used as models at the national level.

In carrying out its responsibilities, each regional education laboratory shall establish a governing board. Each board must have a balanced representation of states in the region, interests of constituencies and technical expertise. It should also include the Chief State School Officer or such Officers' designee of each State represented as well as nominations from state education and community organizations. The governing board is not to be more than 10 percent independently selected by the regional educational laboratory. The governing board is the sole entity that guides and directs the laboratory in carrying out the terms and conditions of the award, determines the agenda engages in dialog with the Knowledge Utilization Commissioner, and determines the mission of the laboratory. The governing board shall also ensure that the laboratory maintains a high level of quality and established standards; direct the laboratory to carry out duties that will make progress toward achieving State education goals; and survey the education

needs, strengths and weaknesses by soliciting educators in the region.

The governing board shall establish and maintain a network to: share information about activities; plan joint activities; create a strategic plan for the development of activities to reduce redundancy and increase collaboration and resource sharing; and devise a way in which individual laboratories could serve not just regional, but national needs.

Additionally, each Regional Educational Laboratory shall conduct a biennial needs assessment of the region that it serves.

Each Regional Educational Laboratory shall support applied research, development dissemination and technical assistance by: providing training and technical assistance to State departments of education and school districts on the implementation of the No Child Left Behind Act, and scientifically valid research in education on teaching methods and assessment tools in core academic subjects, English language acquisition and education technology and communication among those in the education field; dissemination of information in many forms on closing the achievement gap and sustaining school improvement to the education field and National Center for Knowledge Utilization in Education; carrying out applied research projects designed to address specific needs in a user-friendly format to promote increased student achievement; and supporting development activities which will lead to increased knowledge on problems in elementary and secondary education and access to postsecondary education.

Each regional education laboratory shall coordinate its activities, collaborate and exchange information with the Secretary, the Director, the National Center for Knowledge Utilization in Education, and other appropriate entities.

The Knowledge Utilization Commissioner shall provide for the independent evaluations of each regional educational laboratory in the third year in which the laboratory receives assistance. The results shall be shared with relevant committees of the Congress and the regional educational laboratory governing boards.

No regional education laboratory shall be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

Each regional education laboratory shall participate in the advance payment system at the Department of Education. In addition to authorized activities, the Director is authorized to enter into contracts or agreements with laboratories to carry out additional projects that enable them to assist in efforts to achieve State education goals.

By July 1 of each year, regional education laboratories shall submit to the Knowledge Utilization Commissioner a plan describing the succeeding fiscal year, including a description of plans the laboratory plans to submit in the remaining years of their contract. It must also include an assessment of how well they are meeting the needs of the region by listing: activities, entities served, and products.

## PART F—GENERAL PROVISIONS

*Section 181. Interagency data sources and formats*

The Secretary shall consult with the Director to ensure that the Department and the Institute use common sources of data in standardized formats.

*Section 182. Prohibitions*

This title does not authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data.

The title does not authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State or local educational agency, or school, or mandate a State to spend any funds or incur any costs not provided for under this title.

No funds provided under this title to the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum or develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject to be used in elementary or secondary schools. The only exception shall be made to international comparative assessments developed under the authority of the National Education Statistics Act of 1994, which is administered to only a representative sample of pupils in the United States and in foreign nations.

*Section 183. Confidentiality*

The collection, maintenance, use and dissemination of data by the Institute shall conform with the requirements of the U.S. Code and the General Education Provisions Act. In addition, the Director shall ensure that all individually identifiable information collected about students remains confidential in accordance with the U.S. Code and the General Education Provisions Act.

*Section 184. Availability of data*

While taking into consideration section 183, data collected by the Institute shall be made available to the public, including through use of the Internet.

*Section 185. Performance management*

The Director shall ensure that all activities conducted under this act make customer service a priority through the following methods: establishing and improving feedback mechanisms; disseminating information in a timely manner and in user-friendly formats; utilizing modern technology; establishing and measuring performance for quality purposes; continuously improving management strategies and practices; making information available to the public in an expeditious fashion.

*Section 186. Authority to publish*

The Director may prepare and publish information for the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department. The Director shall provide offices of the Department with an opportunity to comment upon reports of the Institute prior

to publication. All information from the Institute shall be subjected to rigorous peer review before being published or made available to the public. However, these provisions do not apply to: information on current or proposed budgets, appropriations, or legislation; information prohibited from disclosure by the law or Constitution, classified national security information, or information classified as confidential by the U.S. Code; and review by officers of the United States in order to prevent the unauthorized disclosure of information.

*Section 187. Vacancies*

A member appointed to fill a vacancy on the Board occurring before expiration of the term, shall be appointed only for the remainder of that term. The vacancy shall be filled in the same manner in which the original appointment was made.

*Section 188. Scientific or technical employees*

The Director may appoint for 6 year terms, scientific or technical employees to carry out functions of the Institute, or the office, board, committee, or center, respectively, if: 30 days prior to the appointment, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such a position; the rate of basic pay does not exceed the maximum rate of basic pay payable for positions at GS-15; the appointment is necessary, as determined by the Director, to provide the Institute with scientific or technical expertise which couldn't be obtained otherwise; and the total number of such employees does not exceed 30 individuals or  $\frac{1}{5}$  of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

All scientific or technical employees shall work on activities of the Institute, and shall not be reassigned to other duties outside the Institute.

*Section 189. Fellowships*

The Director shall establish and maintain research, evaluation, and statistics fellowships in higher education that support graduate and postdoctoral study. The Director shall ensure that women and minorities are actively recruited for participation.

*Section 190. Voluntary service*

The Director may accept voluntary and uncompensated services that are consistent with the priorities and mission of the Institute.

*Section 191. Rulemaking*

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

*Section 192. Authorization of appropriations*

\$400,000,000 is authorized for fiscal year 2003 and such sums as necessary for each of the 5 succeeding fiscal years (except section 176B Regional Educational Laboratories). Of which: not less than the amount provided to the National Center for Education Statis-

tics for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and not more than the lesser of 2 percent of such funds or \$1,000,000 shall be made to carry out section 116.

\$120,000,000 is authorized to be appropriated for Regional Education Laboratories for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. For a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose to rural areas.

Funds made available shall remain available until expended.

## Title II—Regional Educational Technical Assistance

### *Section 201. Short title*

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

### *Section 202. Definitions*

Defines key terms in this title including: Local educational agency; State educational agency; early childhood educator; provider of early childhood services; and Secretary.

### *Section 203. Comprehensive Centers*

Starting in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to a local entity or consortia of entities, with expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, to establish Comprehensive Centers.

Each Center established shall allocate resources to and within each region which reflects regional needs, taking into account poverty levels, cost of service in under-populated areas, and special initiatives undertaken by States which may require special assistance from the center.

Each Center shall work with state and local educational agencies, and schools in the region where the Center is located, on school improvement activities. Priority will be given to: schools in the region with high percentages of students from low-income families, as determined by the Elementary and Secondary Education Act, including schools in rural and urban areas receiving title I funding; local educational agencies in the region with high percentages of students from low-income families, as determined by the Elementary and Secondary Education Act, including schools in rural and urban areas; and schools in regions that have been identified for school improvement under the Elementary and Secondary Education Act.

A Comprehensive Center shall support professional development and technical assistance activities by: providing training, professional development and technical assistance regarding the administration and implementation of programs under the Elementary and Secondary Education Act and the use of scientifically valid teaching methods and assessment tools for core academic subjects, English language acquisition, education technology, and the facilitation of communication between education experts, school officials, teachers, parents and librarians; and disseminating and providing information, reports, and publications that are useful for improving aca-

demic achievement, narrowing achievement gaps, and sustaining school improvement.

Each center shall coordinate its activities and exchange information with the regional educational laboratory in the region, the National Center for Knowledge Utilization in Education, the Office of the Secretary, the State service agency, and other technical assistance providers in their respective regions.

Each Comprehensive Center established shall have an advisory board that will support the priorities of the Center and advise the Center concerning its activities. The advisory board shall consist of: the Chief State School Officers or their designees in the region, or other State officials who have the primary responsibility for elementary and secondary education in the State; and not more than 15 other members who are representative of educational interests in the region, including local education agencies representatives serving both urban and rural areas, representatives of institutions of higher education, parents, practicing educators, business representatives, and policymakers. In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult with the State educational agency in selecting additional members.

*Section 204. Priorities and evaluations*

The Secretary may establish priorities that directly correspond with educational needs particular to the regions of Comprehensive Centers. The Secretary shall provide for ongoing independent evaluations of the Centers. The results shall be transmitted to the appropriate congressional committees and the Director of the U.S. Institute of Education Sciences. Included in the evaluation shall be an analysis of services, the extent to which the Centers meet their objectives, and whether services meet the educational needs of State and local educational agencies, and schools in their respective regions.

*Section 205. Clearinghouses on education facilities*

The Secretary shall award a 5 year grant or contract, on a competitive basis, to create and maintain an education facilities clearinghouse to collect and disseminate information on effective educational practices and the latest research regarding kindergarten through grade 12 school facilities planning, design, financing, construction, operations, and maintenance. \$1,500,000 for fiscal year 2003, and such sums as necessary for each of the 5 succeeding fiscal years is authorized to be appropriated to carry out this section.

The Secretary shall also award a contract for the Eisenhower National Clearinghouse for Mathematics and Science Education as authorized in the Elementary and Secondary Education Act.

*Section 206. Existing technical assistance providers*

The Secretary shall continue Eisenhower Regional Mathematics and Science Education Consortia awards, in accordance with the existing award.

*Section 207. Study*

In consultation with the National Academy of Sciences, the Secretary shall conduct a study to determine the use of alcohol or illegal narcotics as contributing factors to incidents of school violence.

*Section 208. Grant program for statewide, longitudinal data systems*

The Secretary is authorized to award competitive grants to State educational agencies to enable them to design and develop statewide, longitudinal data systems to track individual student progress based on a unique student identifier.

In awarding grants, the Secretary shall use a peer review process that: ensures technical quality and student privacy; promotes generation of data needed for States and local education agencies to comply with the Elementary and Secondary Education Act and facilitate research to improve student academic achievement; gives priority to applications that meet the standards and guidelines developed by the National Center for Education Statistics.

Each State educational agency shall design and develop statewide, longitudinal data systems to track individual student progress based on a unique student identifier to comply with the Elementary and Secondary Education Act, to facilitate research to improve student achievement, and to be used for other purposes. Funds shall be used to supplement, and not supplant, other Federal, State or local funds used for developing State data systems.

One year after enactment, and again 3 years after, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, States, and local efforts related to the goals. The report shall include: the identification and analysis of State practices regarding the development and use of statewide, longitudinal data systems that track individual student progress; evaluation of the interoperability of such systems; and the best practices and areas of needed improvement.

## Title III—National Assessment of Educational Progress

*Section 301. Short title*

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

*Section 302. Definitions*

Defines key terms in this title including: Director and State.

*Section 303. Authorization of appropriations*

For fiscal year 2003, \$4,600,000 is authorized to carry out section 302, as amended by section 401 of this act, relating to the National Assessment Governing Board; and \$107,500,000 to carry out section 303 as amended by section 401 of this act, relating to the National Assessment of Educational Progress. Such sums as may be necessary for each of 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401. Amounts made available under this section shall remain available until expended.

Title IV—Amendatory Provisions

*Section 401. Redesignations*

*Section 402. Amendments to the Department of Education Organization Act*

*Section 403. Repeals*

The following provisions of law are repealed:  
 The National Education Statistics Act of 1994;  
 Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994; and Section 401(b)(2) of the department of Education Organization Act.

*Section 404. Conforming and Technical Amendments*

Made to the following bills:  
 Goals 2000: Educate America Act; Title 5, U.S. Code; General Education Provisions Act; Elementary and Secondary Education Act of 1965; and School-To-Work Opportunities Act of 1994.

*Section 405. Effective date*

The act and amendments shall take effect on October 1, 2002.

*Section 406. Orderly transition*

The Secretary of Education shall take the necessary steps to provide for the orderly transition to, and implementation of the offices, boards, committees, and centers established or authorized by this act and by the amendments made by this act.

X. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

\* \* \* \* \*

**NATIONAL EDUCATION STATISTICS ACT OF 1994**

\* \* \* \* \*

**SEC. 183. CONFIDENTIALITY.**

(a) IN GENERAL.— \* \* \*

\* \* \* \* \*

(b) STUDENT INFORMATION.— \* \* \*

\* \* \* \* \*

**[SEC. 408. CONFIDENTIALITY.]**

**[(a)]** (c) CONFIDENTIALITY STANDARDS.—

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

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

(2) PROHIBITION.—No person may—

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

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

(C) permit anyone other than the individuals authorization by the **【Commissioner】** *Director* to examine the individual reports.

**【(b)】** (d) ADMINISTRATION.—

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

(1) *IN GENERAL.*—

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

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

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

(2) **EMPLOYEE OR STAFF VIOLATIONS.**—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by **【subsection (a)(2)】** *subsection (c)(2)*; knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by **【subsection (a)(2)】** *subsection (c)(2)*, and that comes into such employee or staff's possession by reason of employment (or otherwise pro-

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

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

(4) INFORMATION REQUIREMENTS.—No collection of information or data acquisition activity undertaken by the **【Center】** *Director* shall be subject to any review, coordination, or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the **【Commissioner】** *Director* determines that such review or coordination is beneficial.

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

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

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

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

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

**【(c)】** (e) INVESTIGATION AND PROSECUTION OF TERRORISM.—

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

requiring the Secretary to permit the Attorney General (or his designee) to—

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

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

\* \* \* \* \*

**SEC. 301. SHORT TITLE.**

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

**SEC. [412.] 302. NATIONAL ASSESSMENT GOVERNING BOARD.**

(a) **ESTABLISHMENT.**—There is established the National Assessment Governing Board (hereafter in this title [referred to as the “Board”] *referred to as the “Assessment Board”*), which shall formulate policy guidelines for the National Assessment (carried out under section 303).

(b) **MEMBERSHIP.**—

(1) **APPOINTMENT AND COMPOSITION.**—The [Board] *Assessment Board* shall be appointed by the Secretary and be composed as follows:

(A) Two Governors, or former Governors, who shall not be members of the same political party.

(B) Two State legislators, who shall not be members of the same political party.

(C) Two chief State school officers.

(D) One superintendent of a local educational agency.

(E) One member of a State board of education.

(F) One member of a local board of education.

(G) Three classroom teachers representing the grade levels at which the National Assessment is conducted.

(H) One representative of business or industry.

(I) Two curriculum specialists.

(J) Three testing and measurement experts, who shall have training and experience in the field of testing and measurement.

(K) One nonpublic school administrator or policy-maker.

(L) Two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal.

(M) Two parents who are not employed by a local, State or Federal educational agency.

(N) Two additional members who are representatives of the general public, and who may be parents, but who are

not employed by a local, State, or Federal educational agency.

(2) **【ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH】** *DIRECTOR OF THE UNITED STATES INSTITUTE FOR EDUCATION SCIENCES*.—The **【Assistant Secretary for Educational Research and Improvement】** *Director of the United States Institute for Education Sciences* shall serve as an ex officio, nonvoting member of the **【Board】** *Assessment Board*.

(3) **BALANCE AND DIVERSITY**.—The Secretary and the **【Board】** *Assessment Board* shall ensure at all times that the membership of the **【Board】** *Assessment Board* reflects regional, racial, gender, and cultural balance and diversity and that the **【Board】** *Assessment Board* exercises its independent judgment, free from inappropriate influences and special interests.

(c) **TERMS**.—

(1) **IN GENERAL**.—Terms of service of members of the **【Board】** *Assessment Board* shall be staggered and may not exceed a period of 4 years, as determined by the Secretary.

(2) **SERVICE LIMITATION**.—Members of the **【Board】** *Assessment Board* may serve not more than two terms.

(3) **CHANGE OF STATUS**.—A member of the **【Board】** *Assessment Board* who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

(4) **CONFORMING PROVISION**.—Members of the **【Board】** *Assessment Board* previously granted 3 year terms, whose terms are in effect on the date of enactment of the Department of Education Appropriations Act, 2001, shall have their terms extended by 1 year.

(d) **VACANCIES**.—

(1) **IN GENERAL**.—

(A) **ORGANIZATIONS**.—The Secretary shall appoint new members to fill vacancies on the **【Board】** *Assessment Board* from among individuals who are nominated by organizations representing the type of individuals described in subsection (b)(1) with respect to which the vacancy exists.

(B) **NOMINATIONS**.—Each organization submitting nominations to the Secretary with respect to a particular vacancy shall nominate for such vacancy six individuals who are qualified by experience or training to fill the particular **【Board】** *Assessment Board* vacancy.

(C) **MAINTENANCE OF BOARD**.—The Secretary's appointments shall maintain the composition, diversity, and balance of the **【Board】** *Assessment Board* required under subsection (b).

(2) **ADDITIONAL NOMINATIONS**.—The Secretary may request that each organization described in paragraph (1)(A) submit additional nominations if the Secretary determines that none of the individuals nominated by such organization have appropriate knowledge or expertise.

(e) **DUTIES**.—

(1) **IN GENERAL**.—In carrying out its functions under this section the **【Board】** *Assessment Board* shall—

(A) select the subject areas to be assessed (consistent with **【section 411(b)】** *section 303(b)*);

(B) develop appropriate student achievement levels as provided in section **[411(e)] section 303(e)**;

(C) develop assessment objectives consistent with the requirements of this section and test specifications that produce an assessment that is valid and reliable, and are based on relevant widely accepted professional standards;

(D) develop a process for review of the assessment which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public;

(E) design the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical experts who engage in large scale surveys**[, including the Advisory Council established under section 407]**;

(F) consistent with **[section 411] section 303**, measure student academic achievement in grades 4, 8, and 12 in the authorized academic subjects;

(G) develop guidelines for reporting and disseminating results;

(H) develop standards and procedures for regional and national comparisons; **[and]**

(I) take appropriate actions needed to improve the form, content, use, and reporting of results of any assessment authorized by **[section 411] section 303** consistent with the provisions of this section and **[section 411.] section 303**; and

(J) oversee the release to the public of *National Assessment of Educational Progress* data.

(2) DELEGATION.—The **[Board] Assessment Board** may delegate any of the Board's procedural and administrative functions to its staff.

(3) ALL COGNITIVE AND NONCOGNITIVE ASSESSMENT ITEMS.—The **[Board] Assessment Board** shall have final authority on the appropriateness of all assessment items.

(4) PROHIBITION AGAINST BIAS.—The **[Board] Assessment Board** shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias and are secular, neutral, and non-ideological.

(5) TECHNICAL.—In carrying out the duties required by paragraph (1), the **[Board] Assessment Board** may seek technical advice, as appropriate, from the **[Commissioner] Commissioner for Education Statistics** **[and the Advisory Council on Education Statistics]** and other experts.

(6) REPORT.—Not later than 90 days after an evaluation of the student achievement levels under section **[411(e)] section 303(e)**, the **[Board] Assessment Board** shall make a report to the Secretary, of the Committee on Education and Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate describing the steps the **[Board] Assessment Board** is taking to respond to each of the recommendations contained in such evaluation.

## (f) PERSONNEL.—

(1) IN GENERAL.—In the exercise of its responsibilities, the **[Board]** *Assessment Board* shall be independent of the Secretary and the other offices and officers of the Department.

## (2) STAFF.—

(A) IN GENERAL.—The Secretary may appoint, at the request of the **[Board]** *Assessment Board*, such staff as will enable the **[Board]** *Assessment Board* to carry out its responsibilities.

(B) TECHNICAL EMPLOYEES.—Such appointments may include, for terms not to exceed 3 years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) COORDINATION.—The **[Commissioner]** *Commissioner for Education Statistics* and the **[Board]** *Assessment Board* shall meet periodically—

(1) to ensure coordination of their duties and activities relating to the National Assessment; and

(2) for the **[Commissioner]** *Commissioner for Education Statistics* to report to the **[Board]** *Assessment Board* on the Department's actions to implement the decisions for the **[Board]** *Assessment Board*.

(h) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the **[Board]** *Assessment Board* other than sections 10, 11, and 12 of such Act. Enacted January 8, 2002, P.L. 107–110, 115 Stat. 1425.

\* \* \* \* \*

**SEC. [411] (303.) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**

(a) ESTABLISHMENT.—The **[Commissioner]** *Commissioner for Education Statistics* shall, with the advice of the **[National Assessment Governing Board]** *Assessment Board* established under **[section 412]** *section 302*, **[and with the technical assistance of the Advisory Council established under section 407,]** carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress, which collectively refers to a national assessment, State assessments, and a long-term trend assessment in reading and mathematics.

## (b) PURPOSE; STATE ASSESSMENTS.—

(1) PURPOSE.—The purpose of this section is to provide, in a timely manner, a fair and accurate measurement of student academic achievement and reporting of trends in such achievement in reading, mathematics, and other subject matter as specified in this section.

(2) MEASUREMENT AND REPORTING.—The **[Commissioner]** *Commissioner for Education Statistics*, in carrying out the measurement and reporting described in paragraph (1), shall—

(A) use a random sampling process which is consistent with relevant, widely accepted professional assessment

standards and that produces data that are representative on a national and regional basis;

(B) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in public and private elementary schools and secondary schools at least once every 2 years, in grades 4 and 8 in reading and mathematics;

\* \* \* \* \*

(3) STATE ASSESSMENTS.—

(A) IN GENERAL.—The **【Commissioner】** *Commissioner for Education Statistics*—

(i) shall conduct biennial State academic assessments of student achievement in reading and mathematics in grades 4 and 8 as described in **【paragraphs (1)(B) and (1)(E)】** *paragraphs (2)(B) and (2)(E)*;

(ii) may conduct the State academic assessments of student achievement in reading and mathematics in grade 12 as described in **【paragraph (1)(C)】** *paragraph (2)(C)*;

(iii) may conduct State academic assessments of student achievement in grades 4, 8, and 12 as described in **【paragraph (1)(D)】** *paragraph (2)(D)*; and

(iv) shall conduct each such State assessment, in each subject area and at each grade level, on a developmental basis until the **【Commissioner】** *Commissioner for Education Statistics* determines, as the result of an evaluation required by subsection (f), that such assessment produces high quality data that are valid and reliable.

\* \* \* \* \*

(5) REQUIREMENT.—In carrying out any assessment authorized under this section, the **【Commissioner】** *Commissioner for Education Statistics*, in a manner consistent with subsection **【(c)(2)】** *(c)(3)*, shall—

(A) use widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, and ensure that any academic assessment authorized under this section be tests that do not evaluate or assess personal or family beliefs and attitudes or publicly disclose personally identifiable information;

(B) only collect information that is directly related to the appraisal of academic achievement, and to the fair and accurate presentation of such information; and

(C) collect information on race, ethnicity, socioeconomic status, disability, limited English proficiency, and gender.

(6) TECHNICAL ASSISTANCE.—In carrying out any assessment authorized under this section, the **【Commissioner】** *Commissioner for Education Statistics* may provide technical assistance to States, localities, and other parties.

(c) ACCESS.—

(1) PUBLIC ACCESS.—

(A) IN GENERAL.—Except as provided in paragraph (3), parents and members of the public shall have access to all

assessment data, questions, and complete and current assessment instruments of any assessment authorized under this section. The local educational agency shall make reasonable efforts to inform parents and members of the public about the access required under this paragraph.

(B) TIMELINE.—The access described in this paragraph shall be provided within 45 days of the date the request was made, in writing, and be made available in a secure setting that is convenient to both parties.

(C) PROHIBITION.—To protect the integrity of the assessment, no copy of the assessment items or assessment instruments shall be duplicated or taken from the secure setting.

(2) COMPLAINTS.—

(A) IN GENERAL.—Parents and members of the public may submit written complaints to the [National Assessment Governing Board] *Assessment Board*.

(B) FORWARDING OF COMPLAINTS.—The [National Assessment Governing Board] *Assessment Board* shall forward such complaints to the [Commissioner] *Commissioner for Education Statistics*, the Secretary of Education, and the State and local educational agency from within which the complaint originated within 30 days of receipt of such complaint.

(C) REVIEW.—The [National Assessment Governing Board] *Assessment Board*, in consultation with the [Commissioner] *Commissioner for Education Statistics*, shall review such complaint and determine whether revisions are necessary and appropriate. As determined by such review, the Board shall revise, as necessary and appropriate, the procedures or assessment items that have generated the complaint and respond to the individual submitting the complaint, with a copy of such response provided to the Secretary, describing any action taken, not later than 30 days after so acting.

(D) REPORT.—The Secretary shall submit a summary report of all complaints received pursuant to subparagraph (A) and responses by the [National Assessment Governing Board] *Assessment Board* pursuant to [subparagraph (B)] *subparagraph (C)* to the Chairman of the House Committee on Education and the Workforce, and the Chairman of the Senate Committee on Health, Education, Labor, and Pensions.

(E) COGNITIVE QUESTIONS.—

(i) IN GENERAL.—The [Commissioner] *Commissioner for Education Statistics* may decline to make available through public means, such as posting on the Internet, distribution to the media, distribution through public agencies, or in response to a request under section 552 of title 5, United States Code, for a period, not to exceed 10 years after initial use, cognitive questions that the [Commissioner] *Commissioner for Education Statistics* intends to reuse in the future.

(ii) EXTENSION.—Notwithstanding clause (i), the [Commissioner] *Commissioner for Education Statis-*

*tics* may decline to make cognitive questions available as described in clause (i) for a period longer than 10 years if the **Commissioner** *Commissioner for Education Statistics* determines such additional period is necessary to protect the security and integrity of long-term trend data.

(3) PERSONALLY IDENTIFIABLE INFORMATION.—

(A) IN GENERAL.—The **Commissioner** *Commissioner for Education Statistics* shall ensure that all personally identifiable information about students, their academic achievement, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

(B) PROHIBITION.—The **National Board** *Assessment Board*, the **Commissioner** *Commissioner for Education Statistics*, and any contractor or subcontractor shall not maintain any system of records containing a student's name, birth information, Social Security number, or parents' name or names, or any other personally identifiable information.

(4) PENALTIES.—Any unauthorized person who knowingly discloses, publishes, or uses assessment questions, or complete and current assessment instruments of any assessment authorized under this section may be fined as specified in section 3571 of title 18, United States Code or charged with a class E felony.

\* \* \* \* \*

(e) STUDENT ACHIEVEMENT LEVELS.—

(1) ACHIEVEMENT LEVELS.—The **National Assessment Governing Board** *Assessment Board* shall develop appropriate student achievement levels for each grade or age in each subject area to be tested under assessments authorized under this section, except the trend assessment described in subsection (b)(2)(F).

(2) DETERMINATION OF LEVELS.—

(A) IN GENERAL.—Such levels shall—

(i) be determined by—

(I) identifying the knowledge that can be measured and verified objectively using widely accepted professional assessment standards; and

(II) developing achievement levels that are consistent with relevant widely accepted professional assessment standards and based on the appropriate level of subject matter knowledge for grade levels to be assessed, or the age of the students, as the case may be.

(B) NATIONAL CONSENSUS APPROACH.—After the determinations described in subparagraph (A), devising a national consensus approach.

(C) TRIAL BASIS.—The achievement levels shall be used on a trial basis until the **Commissioner** *Commissioner for Education Statistics* determines, as a result of an evaluation under subsection (f), that such levels are reasonable, valid, and informative to the public.

(D) STATUS.—The **Commissioner** *Commissioner for Education Statistics* and the Board shall ensure that reports using such levels on a trial basis do so in a manner that makes clear the status of such levels.

(E) UPDATES.—Such levels shall be updated as appropriate by the **National Assessment Governing Board** *Assessment Board* in consultation with the **Commissioner** *Commissioner for Education Statistics*.

(3) REPORTING.—After determining that such levels are reasonable, valid, and informative to the public, as the result of an evaluation under subsection (f), the **Commissioner** *Commissioner for Education Statistics* shall use such levels or other methods or indicators for reporting results of the National Assessment and State assessments.

(4) REVIEW.—The **National Assessment Governing Board** *Assessment Board* shall provide for a review of any trial student achievement levels under development by representatives of State educational agencies or the chief State school officer in a manner consistent with subsection (c), except the review described in **subparagraph (2)(C)** *paragraph (2)(C) of such subsection* shall take place in consultation with the representatives described in this paragraph.

(f) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary shall provide for continuing review of any assessment authorized under this section, and student achievement levels, by one or more professional assessment evaluation organizations.

(B) ISSUES ADDRESSED.—Such continuing review shall address—

(i) whether any authorized assessment is properly administered, produces high quality data that are valid and reliable, is consistent with relevant widely accepted professional assessment standards, and produces data on student achievement that are not otherwise available to the State (other than data comparing participating States to each other and the Nation);

(ii) whether student achievement levels are reasonable, valid, reliable, and informative to the public;—

(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in academic achievement in a valid and reliable manner in the subject areas being assessed;

(iv) whether any of the test questions are biased, as described in **section 412(e)(4)** *section 302(e)(4)*; and

(v) whether the appropriate authorized assessments are measuring, consistent with this section, reading ability and mathematical knowledge.

(2) REPORT.—The Secretary shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, the President, and the Nation on the findings and recommendations of such reviews.

(3) USE OF FINDINGS AND RECOMMENDATIONS.—The **Commissioner** *Commissioner for Education Statistics* and the **Na-**

tional Assessment Governing Board] *Assessment Board* shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the [Commissioner] *Commissioner for Education Statistics* carries out the National Assessment.

\* \* \* \* \*

**SECTION 1. TABLE OF CONTENTS.**

\* \* \* \* \*

TITLE II—REGIONAL EDUCATIONAL TECHNICAL ASSISTANCE

\* \* \* \* \*

[TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

- [Sec. 301. Short title.
- [Sec. 302. Definitions.
- [Sec. 303. Authorization of appropriations.]

*TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS*

- Sec. 301. Short title.*
- Sec. 302. National Assessment Governing Board.*
- Sec. 303. National Assessment of Educational Progress.*
- Sec. 304. Definitions.*
- Sec. 305. Authorization of appropriations.*

**SEC. [302] 304. DEFINITIONS.**

In this title:

(1) \* \* \*

\* \* \* \* \*

**SEC. [303] 305. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.— \* \* \*

\* \* \* \* \*

DEPARTMENT OF EDUCATION ORGANIZATION ACT

\* \* \* \* \*

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

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

\* \* \* \* \*

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

\* \* \* \* \*

- [Sec. 208. Office of Educational Research and Improvement.]
- Sec. 208. United States Institute for Education Sciences.*

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

\* \* \* \* \*

(b)(1) There shall be in the Department— \* \* \*

\* \* \* \* \*

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

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

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

[(i) are distinguished educational researchers or practitioners;

[(ii) have proven management ability; and

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

(4) *There shall be in the Department a Director of the United States Institute for Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.*

\* \* \* \* \*

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

UNITED STATES INSTITUTE FOR EDUCATION SCIENCES

*SEC. 208. There shall be in the Department of Education the United States Institute for Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act.*

GOALS 2000: EDUCATE AMERICA ACT

\* \* \* \* \*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act (other than titles V and IX) may be cited as the “Goals 2000: Educate America Act”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

\* \* \* \* \*

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 901. Short title.

Sec. 902. Findings.

[PART A—GENERAL PROVISIONS REGARDING THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

[Sec. 911. Repeal.

[Sec. 912. Office of Educational Research and Improvement.

[Sec. 913. Assistant Secretary for Educational Research and Improvement.

[Sec. 914. Savings provision.

[Sec. 915. Existing grants and contracts.

[PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

[Sec. 921. Establishment within Office of Educational Research and Improvement.

【PART C—NATIONAL RESEARCH INSTITUTES

【Sec. 931. Establishment within the Office of Educational Research and Improvement.

【PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM

【Sec. 941. Establishment within Office of Educational Research and Improvement.

【PART E—NATIONAL LIBRARY OF EDUCATION

【Sec. 951. Establishment within Office of Educational Research and Improvement.】

**TITLE 5, UNITED STATES CODE**

\* \* \* \* \*

§ 5315. Positions at level IV

\* \* \* \* \*

GENERAL EDUCATION PROVISIONS ACT

\* \* \* \* \*

**SEC. 447. PROHIBITION OF FEDERALLY SPONSORED TESTING.**

(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided to the Department of Education or to an applicable program, may be used to pilot test, field test, implement, administer or distribute in any way any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of [section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))] *section 153(a)(6) of the Education Sciences Reform Act of 2002* and administered to only a representative sample of pupils in the United States and in foreign nations.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

\* \* \* \* \*

**SEC. 1111. STATE PLANS.**

(a) PLANS REQUIRED.— \* \* \*

\* \* \* \* \*

(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.— Each State plan shall contain assurances that— \* \* \*

\* \* \* \* \*

(2) the State will, beginning in school year 2002–2003, participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under [section 411(b)(2) of the National Education Statistics Act of 1994] *section 303(b)(2) of the National Assessment of Educational Progress Authorization Act* if the Secretary pays the costs of administering such assessments;

**SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

(a) PLANS REQUIRED.— \* \* \*

\* \* \* \* \*

(b) PLAN PROVISIONS.—

(1) IN GENERAL.—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—

(A) a description of high-quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use— \* \* \*

\* \* \* \* \*

(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section [411(b)(2) of the National Education Statistics Act of 1994] *section 303(b)(2) of the National Assessment of Educational Progress Authorization Act*;

\* \* \* \* \*

**SEC. 1117. SCHOOL SUPPORT AND RECOGNITION.**

(a) SYSTEM FOR SUPPORT.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

(3) REGIONAL CENTERS.—Such a statewide system shall, to the extent practicable, work with and receive support and assistance from *regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Regional Assistance Act of 2002 and the comprehensive regional technical assistance centers and the regional educational laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)*, or other providers of technical assistance.

**SEC. 1501. EVALUATIONS.**

(a) NATIONAL ASSESSMENT OF TITLE I.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

(3) SOURCES OF INFORMATION.—In conducting the assessment under this subsection, the Secretary shall use information from a variety of sources, including the National Assessment of Educational Progress (carried out under [section 411 of the National Education Statistics Act of 1994] *section 303 of the National Assessment of Educational Progress Authorization Act*), State evaluations, and other research studies.

\* \* \* \* \*

**SEC. 3222. RESEARCH.**

(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the [Office of Educational Research and Improvement] *United States Institute for Education Sciences* in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

\* \* \* \* \*

**SEC. 3303. NATIONAL CLEARINGHOUSE.**

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for limited English proficient children, and related programs. The National Clearinghouse shall—

(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the [Office of Educational Research and Improvement] *United States Institute for Education Sciences*;

\* \* \* \* \*

**SEC. 5464. AUTHORIZED PROGRAMS.**

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—

\* \* \* \* \*

(e) COORDINATION.—Scientifically based research activities supported under this subpart—

(1) shall be carried out in consultation with the [Office of Educational Research and Improvement] *United States Institute for Education Sciences* to ensure that such activities are coordinated with and enhance the research and development activities supported by [such Office] *such Institute*; and

(2) may include collaborative scientifically based research activities which are jointly funded and carried out with [such Office] *such Institute*.

\* \* \* \* \*

**SEC. 5613. PROGRAMS AUTHORIZED.**

(a) IN GENERAL.—The Secretary is authorized—

(1) to promote, coordinate, and evaluate gender equity policies, programs, activities, and initiatives in all Federal education programs and offices;

(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

(5) to assist the [the Assistant Secretary of the Office of Educational and Research and Improvement] *Director of the United States Institute for Educational Sciences* in identifying

research priorities related to education equity for women and girls; and

(6) to perform any other activities consistent with achieving the purposes of this subpart.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed 4 years, to—

(A) provide grants to develop model equity programs; and

(B) provide funds for the implementation of equity programs in schools throughout the Nation.

(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this subpart, the Secretary is authorized to provide support and technical assistance—

(A) to implement effective gender-equity policies and programs at all educational levels, including— \* \* \*

\* \* \* \* \*

(B) for research and development, which shall be coordinated with each of the [research institutes of the Office of Educational Research and Improvement] *National Education Centers of the United States Institute for Education Sciences* to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in \* \* \*

\* \* \* \* \*

**SEC. 5615. CRITERIA AND PRIORITIES.**

(a) CRITERIA AND PRIORITIES.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

(d) COORDINATION.—Research activities support under this subpart—

(1) shall be carried out in consultation with the [Office of Education Research and Improvement] *United States Institute for Education Sciences* to ensure that such activities are coordinated with and enhance the research and development activities supported [by the Office] *by the Institute*; and

(2) may include collaborative research activities which are jointly funded and carried out with the [Office of Educational Research and Improvement] *United States Institute for Education Sciences*.

(3) LIMITATION.—Nothing in this subpart shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this subpart.

\* \* \* \* \*

**SEC. 7131. [20 U.S.C. 7451] NATIONAL RESEARCH ACTIVITIES.**

(a) AUTHORIZED ACTIVITIES.— \* \* \*

\* \* \* \* \*

(c) COORDINATION.—Research activities supported under this section—

(1) shall be carried out in consultation with the [Office of Educational Research and Improvement] *United States Institute for Education Sciences* to ensure that such activities are coordinated with and enhance the research and development activities supported [by the Office] *by the Insitute*; and

(2) may include collaborative research activities that are jointly funded and carried out [by the Office] *by the Institute* of Indian Education Programs and the [Office of Educational Research and Improvement] *United States Institute for Education Sciences*.

**SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.**

(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of [section 404(a)(6) of the National Education Statistics Act of 1994] *section 153(a)(5) of the Education Sciences Reform Act of 2002* and administered to only a representative sample of pupils in the United States and in foreign nations.

**SEC. 404. CAPACITY BUILDING AND INFORMATION AND DISSEMINATION NETWORK.**

The Secretaries, acting through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)), the Educational Resources Information Center Clearinghouses referred to in the Educational Research, Development, Dissemination, and Improvement Act of 1994 (*as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002*), and the National Network for curriculum Coordination in Vocational and Technical Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(c)), shall— \* \* \*

\* \* \* \* \*

