

107TH CONGRESS
2D SESSION

H. R. 5598

AN ACT

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

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

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

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1 **TITLE I—EDUCATION SCIENCES**

2 **REFORM**

3 **SEC. 101. SHORT TITLE.**

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

6 **SEC. 102. DEFINITIONS.**

7 In this title:

8 (1) IN GENERAL.—The terms “elementary
9 school”, “secondary school”, “local educational agen-

1 cy”, and “State educational agency” have the mean-
2 ings given those terms in section 9101 of the Ele-
3 mentary and Secondary Education Act of 1965 (20
4 U.S.C. 7801) and the terms “freely associated
5 states” and “outlying area” have the meanings given
6 those terms in section 1121(c) of such Act (20
7 U.S.C. 6331(c)).

8 (2) APPLIED RESEARCH.—The term “applied
9 research” means research—

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

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

15 (3) BASIC RESEARCH.—The term “basic re-
16 search” means research—

17 (A) to gain fundamental knowledge or un-
18 derstanding of phenomena and observable facts,
19 without specific application toward processes or
20 products; and

21 (B) for the advancement of knowledge in
22 the field of education.

23 (4) BOARD.—The term “Board” means the Na-
24 tional Board for Education Sciences established
25 under section 116.

1 (5) BUREAU.—The term “Bureau” means the
2 Bureau of Indian Affairs.

3 (6) COMPREHENSIVE CENTER.—The term
4 “comprehensive center” means an entity established
5 under section 203 of the Educational Technical As-
6 sistance Act of 2002.

7 (7) DEPARTMENT.—The term “Department”
8 means the Department of Education.

9 (8) DEVELOPMENT.—The term “development”
10 means the systematic use of knowledge or under-
11 standing gained from the findings of scientifically
12 valid research and the shaping of that knowledge or
13 understanding into products or processes that can be
14 applied and evaluated and may prove useful in areas
15 such as the preparation of materials and new meth-
16 ods of instruction and practices in teaching, that
17 lead to the improvement of the academic skills of
18 students, and that are replicable in different edu-
19 cational settings.

20 (9) DIRECTOR.—The term “Director” means
21 the Director of the Institute of Education Sciences.

22 (10) DISSEMINATION.—The term “dissemina-
23 tion” means the communication and transfer of the
24 results of scientifically valid research, statistics, and
25 evaluations, in forms that are understandable, easily

1 accessible, and usable, or adaptable for use in, the
2 improvement of educational practice by teachers, ad-
3 ministrators, librarians, other practitioners, re-
4 searchers, parents, policymakers, and the public,
5 through technical assistance, publications, electronic
6 transfer, and other means.

7 (11) EARLY CHILDHOOD EDUCATOR.—The
8 term “early childhood educator” means a person
9 providing, or employed by a provider of, nonresiden-
10 tial child care services (including center-based, fam-
11 ily-based, and in-home child care services) that is le-
12 gally operating under State law, and that complies
13 with applicable State and local requirements for the
14 provision of child care services to children at any age
15 from birth through the age at which a child may
16 start kindergarten in that State.

17 (12) FIELD-INITIATED RESEARCH.—The term
18 “field-initiated research” means basic research or
19 applied research in which specific questions and
20 methods of study are generated by investigators (in-
21 cluding teachers and other practitioners) and that
22 conforms to standards of scientifically valid research.

23 (13) HISTORICALLY BLACK COLLEGE OR UNI-
24 VERSITY.—The term “historically Black college or
25 university” means a part B institution as defined in

1 section 322 of the Higher Education Act of 1965
2 (20 U.S.C. 1061).

3 (14) INSTITUTE.—The term “Institute” means
4 the Institute of Education Sciences established
5 under section 111.

6 (15) INSTITUTION OF HIGHER EDUCATION.—
7 The term “institution of higher education” has the
8 meaning given that term in section 101(a) of the
9 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

10 (16) NATIONAL RESEARCH AND DEVELOPMENT
11 CENTER.—The term “national research and develop-
12 ment center” means a research and development
13 center supported under section 133(c).

14 (17) PROVIDER OF EARLY CHILDHOOD SERV-
15 ICES.—The term “provider of early childhood serv-
16 ices” means a public or private entity that serves
17 young children, including—

18 (A) child care providers;

19 (B) Head Start agencies operating Head
20 Start programs, and entities carrying out Early
21 Head Start programs, under the Head Start
22 Act (42 U.S.C. 9831 et seq.);

23 (C) preschools;

24 (D) kindergartens; and

25 (E) libraries.

1 (18) SCIENTIFICALLY BASED RESEARCH
2 STANDARDS.—(A) The term “scientifically based re-
3 search standards” means research standards that—

4 (i) apply rigorous, systematic, and objec-
5 tive methodology to obtain reliable and valid
6 knowledge relevant to education activities and
7 programs; and

8 (ii) present findings and make claims that
9 are appropriate to and supported by the meth-
10 ods that have been employed.

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

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

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

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

19 (iv) making claims of causal relationships
20 only in random assignment experiments or
21 other designs (to the extent such designs sub-
22 stantially eliminate plausible competing expla-
23 nations for the obtained results);

24 (v) ensuring that studies and methods are
25 presented in sufficient detail and clarity to

1 allow for replication or, at a minimum, to offer
2 the opportunity to build systematically on the
3 findings of the research;

4 (vi) obtaining acceptance by a peer-re-
5 viewed journal or approval by a panel of inde-
6 pendent experts through a comparably rigorous,
7 objective, and scientific review; and

8 (vii) using research designs and methods
9 appropriate to the research question posed.

10 (19) SCIENTIFICALLY VALID EDUCATION EVAL-
11 UATION.—The term “scientifically valid education
12 evaluation” means an evaluation that—

13 (A) adheres to the highest possible stand-
14 ards of quality with respect to research design
15 and statistical analysis;

16 (B) provides an adequate description of the
17 programs evaluated and, to the extent possible,
18 examines the relationship between program im-
19 plementation and program impacts;

20 (C) provides an analysis of the results
21 achieved by the program with respect to its pro-
22 jected effects;

23 (D) employs experimental designs using
24 random assignment, when feasible, and other
25 research methodologies that allow for the

1 strongest possible causal inferences when ran-
2 dom assignment is not feasible; and

3 (E) may study program implementation
4 through a combination of scientifically valid and
5 reliable methods.

6 (20) SCIENTIFICALLY VALID RESEARCH.—The
7 term “scientifically valid research” includes applied
8 research, basic research, and field-initiated research
9 in which the rationale, design, and interpretation are
10 soundly developed in accordance with scientifically
11 based research standards.

12 (21) SECRETARY.—The term “Secretary”
13 means the Secretary of Education.

14 (22) STATE.—The term “State” includes (ex-
15 cept as provided in section 158) each of the 50
16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, the freely associated states, and the
18 outlying areas.

19 (23) TECHNICAL ASSISTANCE.—The term
20 “technical assistance” means—

21 (A) assistance in identifying, selecting, or
22 designing solutions based on research, including
23 professional development and high-quality train-
24 ing to implement solutions leading to—

1 (i) improved educational and other
2 practices and classroom instruction based
3 on scientifically valid research; and

4 (ii) improved planning, design, and
5 administration of programs;

6 (B) assistance in interpreting, analyzing,
7 and utilizing statistics and evaluations; and

8 (C) other assistance necessary to encour-
9 age the improvement of teaching and learning
10 through the applications of techniques sup-
11 ported by scientifically valid research.

12 **PART A—THE INSTITUTE OF EDUCATION**
13 **SCIENCES**

14 **SEC. 111. ESTABLISHMENT.**

15 (a) ESTABLISHMENT.—There shall be in the Depart-
16 ment the Institute of Education Sciences, to be adminis-
17 tered by a Director (as described in section 114) and, to
18 the extent set forth in section 116, a board of directors.

19 (b) MISSION.—

20 (1) IN GENERAL.—The mission of the Institute
21 is to provide national leadership in expanding funda-
22 mental knowledge and understanding of education
23 from early childhood through postsecondary study,
24 in order to provide parents, educators, students, re-

1 searchers, policymakers, and the general public with
2 reliable information about—

3 (A) the condition and progress of edu-
4 cation in the United States, including early
5 childhood education;

6 (B) educational practices that support
7 learning and improve academic achievement and
8 access to educational opportunities for all stu-
9 dents; and

10 (C) the effectiveness of Federal and other
11 education programs.

12 (2) CARRYING OUT MISSION.—In carrying out
13 the mission described in paragraph (1), the Institute
14 shall compile statistics, develop products, and con-
15 duct research, evaluations, and wide dissemination
16 activities in areas of demonstrated national need (in-
17 cluding in technology areas) that are supported by
18 Federal funds appropriated to the Institute and en-
19 sure that such activities—

20 (A) conform to high standards of quality,
21 integrity, and accuracy; and

22 (B) are objective, secular, neutral, and
23 nonideological and are free of partisan political
24 influence and racial, cultural, gender, or re-
25 gional bias.

1 (c) ORGANIZATION.—The Institute shall consist of
2 the following:

3 (1) The Office of the Director (as described in
4 section 114).

5 (2) The National Board for Education Sciences
6 (as described in section 116).

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

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

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

13 (C) the National Center for Education
14 Evaluation and Regional Assistance (as de-
15 scribed in part D).

16 **SEC. 112. FUNCTIONS.**

17 From funds appropriated under section 194, the In-
18 stitute, directly or through grants, contracts, or coopera-
19 tive agreements, shall—

20 (1) conduct and support scientifically valid re-
21 search activities, including basic research and ap-
22 plied research, statistics activities, scientifically valid
23 education evaluation, development, and wide dissemi-
24 nation;

1 (2) widely disseminate the findings and results
2 of scientifically valid research in education;

3 (3) promote the use, development, and applica-
4 tion of knowledge gained from scientifically valid re-
5 search activities;

6 (4) strengthen the national capacity to conduct,
7 develop, and widely disseminate scientifically valid
8 research in education;

9 (5) promote the coordination, development, and
10 dissemination of scientifically valid research in edu-
11 cation within the Department and the Federal Gov-
12 ernment; and

13 (6) promote the use and application of research
14 and development to improve practice in the class-
15 room.

16 **SEC. 113. DELEGATION.**

17 (a) DELEGATION OF AUTHORITY.—Notwithstanding
18 section 412 of the Department of Education Organization
19 Act (20 U.S.C. 3472), the Secretary shall delegate to the
20 Director all functions for carrying out this title (other
21 than administrative and support functions), except that—

22 (1) nothing in this title or in the National As-
23 sessment of Educational Progress Authorization Act
24 (except section 302(e)(1)(J) of such Act) shall be
25 construed to alter or diminish the role, responsibil-

1 ities, or authority of the National Assessment Gov-
2 erning Board with respect to the National Assess-
3 ment of Educational Progress (including with re-
4 spect to the methodologies of the National Assess-
5 ment of Educational Progress described in section
6 302(e)(1)(E)) from those authorized by the National
7 Education Statistics Act of 1994 (20 U.S.C. 9001 et
8 seq.) on the day before the date of enactment of this
9 Act;

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

13 (3) section 302(f)(1) of the National Assess-
14 ment of Educational Progress Authorization Act
15 shall apply to the National Assessment Governing
16 Board in the exercise of its responsibilities under
17 this Act;

18 (4) sections 115 and 116 shall not apply to the
19 National Assessment of Educational Progress; and

20 (5) sections 115 and 116 shall not apply to the
21 National Assessment Governing Board.

22 (b) OTHER ACTIVITIES.—The Secretary may assign
23 the Institute responsibility for administering other activi-
24 ties, if those activities are consistent with—

1 (1) the Institute’s priorities, as approved by the
2 National Board for Education Sciences under sec-
3 tion 116, and the Institute’s mission, as described in
4 section 111(b); or

5 (2) the Institute’s mission, but only if those ac-
6 tivities do not divert the Institute from its priorities.

7 **SEC. 114. OFFICE OF THE DIRECTOR.**

8 (a) APPOINTMENT.—Except as provided in sub-
9 section (b)(2), the President, by and with the advice and
10 consent of the Senate, shall appoint the Director of the
11 Institute.

12 (b) TERM.—

13 (1) IN GENERAL.—The Director shall serve for
14 a term of 6 years, beginning on the date of appoint-
15 ment of the Director.

16 (2) FIRST DIRECTOR.—The President, without
17 the advice and consent of the Senate, may appoint
18 the Assistant Secretary for the Office of Educational
19 Research and Improvement (as such office existed
20 on the day before the date of enactment of this Act)
21 to serve as the first Director of the Institute.

22 (3) SUBSEQUENT DIRECTORS.—The Board may
23 make recommendations to the President with respect
24 to the appointment of a Director under subsection

1 (a), other than a Director appointed under para-
2 graph (2).

3 (c) PAY.—The Director shall receive the rate of basic
4 pay for level II of the Executive Schedule.

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

11 (e) ADMINISTRATION.—The Director shall—

12 (1) administer, oversee, and coordinate the ac-
13 tivities carried out under the Institute, including the
14 activities of the National Education Centers; and

15 (2) coordinate and approve budgets and oper-
16 ating plans for each of the National Education Cen-
17 ters for submission to the Secretary.

18 (f) DUTIES.—The duties of the Director shall include
19 the following:

20 (1) To propose to the Board priorities for the
21 Institute, in accordance with section 115(a).

22 (2) To ensure the methodology applied in con-
23 ducting research, development, evaluation, and sta-
24 tistical analysis is consistent with the standards for
25 such activities under this title.

1 (3) To coordinate education research and re-
2 lated activities carried out by the Institute with such
3 research and activities carried out by other agencies
4 within the Department and the Federal Government.

5 (4) To advise the Secretary on research, evalua-
6 tion, and statistics activities relevant to the activities
7 of the Department.

8 (5) To establish necessary procedures for tech-
9 nical and scientific peer review of the activities of
10 the Institute, consistent with section 116(b)(3).

11 (6) To ensure that all participants in research
12 conducted or supported by the Institute are afforded
13 their privacy rights and other relevant protections as
14 research subjects, in accordance with section 183 of
15 this title, section 552a of title 5, United States
16 Code, and sections 444 and 445 of the General Edu-
17 cation Provisions Act (20 U.S.C. 1232g, 1232h).

18 (7) To ensure that activities conducted or sup-
19 ported by the Institute are objective, secular, neu-
20 tral, and nonideological and are free of partisan po-
21 litical influence and racial, cultural, gender, or re-
22 gional bias.

23 (8) To undertake initiatives and programs to
24 increase the participation of researchers and institu-
25 tions that have been historically underutilized in

1 Federal education research activities of the Institute,
2 including historically Black colleges or universities or
3 other institutions of higher education with large
4 numbers of minority students.

5 (9) To coordinate with the Secretary to promote
6 and provide for the coordination of research and de-
7 velopment activities and technical assistance activi-
8 ties between the Institute and comprehensive cen-
9 ters.

10 (10) To solicit and consider the recommenda-
11 tions of education stakeholders, in order to ensure
12 that there is broad and regular public and profes-
13 sional input from the educational field in the plan-
14 ning and carrying out of the Institute's activities.

15 (11) To coordinate the wide dissemination of
16 information on scientifically valid research.

17 (12) To carry out and support other activities
18 consistent with the priorities and mission of the In-
19 stitute.

20 (g) EXPERT GUIDANCE AND ASSISTANCE.—The Di-
21 rector may establish technical and scientific peer-review
22 groups and scientific program advisory committees for re-
23 search and evaluations that the Director determines are
24 necessary to carry out the requirements of this title. The
25 Director shall appoint such personnel, except that officers

1 and employees of the United States shall comprise no
2 more than $\frac{1}{4}$ of the members of any such group or com-
3 mittee and shall not receive additional compensation for
4 their service as members of such a group or committee.
5 The Director shall ensure that reviewers are highly quali-
6 fied and capable to appraise education research and devel-
7 opment projects. The Federal Advisory Committee Act (5
8 U.S.C. App.) shall not apply to a peer-review group or
9 an advisory committee established under this subsection.

10 (h) REVIEW.—The Director may, when requested by
11 other officers of the Department, and shall, when directed
12 by the Secretary, review the products and publications of
13 other offices of the Department to certify that evidence-
14 based claims about those products and publications are
15 scientifically valid.

16 **SEC. 115. PRIORITIES.**

17 (a) PROPOSAL.—The Director shall propose to the
18 Board priorities for the Institute (taking into consider-
19 ation long-term research and development on core issues
20 conducted through the national research and development
21 centers). The Director shall identify topics that may re-
22 quire long-term research and topics that are focused on
23 understanding and solving particular education problems
24 and issues, including those associated with the goals and
25 requirements established in the Elementary and Sec-

1 onduary Education Act of 1965 (20 U.S.C. 6301 et seq.)
2 and the Higher Education Act of 1965 (20 U.S.C. 1001
3 et seq.), such as—

4 (1) closing the achievement gap between high-
5 performing and low-performing children, especially
6 achievement gaps between minority and nonminority
7 children and between disadvantaged children and
8 such children’s more advantaged peers; and

9 (2) ensuring—

10 (A) that all children have the ability to ob-
11 tain a high-quality education (from early child-
12 hood through postsecondary education) and
13 reach, at a minimum, proficiency on challenging
14 State academic achievement standards and
15 State academic assessments, particularly in
16 mathematics, science, and reading or language
17 arts;

18 (B) access to, and opportunities for, post-
19 secondary education; and

20 (C) the efficacy, impact on academic
21 achievement, and cost-effectiveness of tech-
22 nology use within the Nation’s schools.

23 (b) APPROVAL.—The Board shall approve or dis-
24 approve the priorities for the Institute proposed by the Di-
25 rector, including any necessary revision of those priorities.

1 The Board shall transmit any priorities so approved to
2 the appropriate congressional committees.

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

6 (d) PUBLIC AVAILABILITY AND COMMENT.—

7 (1) PRIORITIES.—Before submitting to the
8 Board proposed priorities for the Institute, the Di-
9 rector shall make such priorities available to the
10 public for comment for not less than 60 days (in-
11 cluding by means of the Internet and through pub-
12 lishing such priorities in the Federal Register). The
13 Director shall provide to the Board a copy of each
14 such comment submitted.

15 (2) PLAN.—Upon approval of such priorities,
16 the Director shall make the Institute’s plan for ad-
17 dressing such priorities available for public comment
18 in the same manner as under paragraph (1).

19 **SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.**

20 (a) ESTABLISHMENT.—The Institute shall have a
21 board of directors, which shall be known as the National
22 Board for Education Sciences.

23 (b) DUTIES.—The duties of the Board shall be the
24 following:

1 (1) To advise and consult with the Director on
2 the policies of the Institute.

3 (2) To consider and approve priorities proposed
4 by the Director under section 115 to guide the work
5 of the Institute.

6 (3) To review and approve procedures for tech-
7 nical and scientific peer review of the activities of
8 the Institute.

9 (4) To advise the Director on the establishment
10 of activities to be supported by the Institute, includ-
11 ing the general areas of research to be carried out
12 by the National Center for Education Research.

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

15 (A) the strengthening of education re-
16 search; and

17 (B) the funding of the Institute.

18 (6) To advise the Director on the funding of
19 applications for grants, contracts, and cooperative
20 agreements for research, after the completion of peer
21 review.

22 (7) To review and regularly evaluate the work
23 of the Institute, to ensure that scientifically valid re-
24 search, development, evaluation, and statistical anal-

1 ysis are consistent with the standards for such ac-
2 tivities under this title.

3 (8) To advise the Director on ensuring that ac-
4 tivities conducted or supported by the Institute are
5 objective, secular, neutral, and nonideological and
6 are free of partisan political influence and racial,
7 cultural, gender, or regional bias.

8 (9) To solicit advice and information from those
9 in the educational field, particularly practitioners
10 and researchers, to recommend to the Director top-
11 ics that require long-term, sustained, systematic,
12 programmatic, and integrated research efforts, in-
13 cluding knowledge utilization and wide dissemination
14 of research, consistent with the priorities and mis-
15 sion of the Institute.

16 (10) To advise the Director on opportunities for
17 the participation in, and the advancement of,
18 women, minorities, and persons with disabilities in
19 education research, statistics, and evaluation activi-
20 ties of the Institute.

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

1 (12) To recommend to the Director individuals
2 to serve as Commissioners of the National Edu-
3 cation Centers.

4 (c) COMPOSITION.—

5 (1) VOTING MEMBERS.—The Board shall have
6 15 voting members appointed by the President, by
7 and with the advice and consent of the Senate.

8 (2) ADVICE.—The President shall solicit advice
9 regarding individuals to serve on the Board from the
10 National Academy of Sciences, the National Science
11 Board, and the National Science Advisor.

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

15 (A) The Director of the Institute of Edu-
16 cation Sciences.

17 (B) Each of the Commissioners of the Na-
18 tional Education Centers.

19 (C) The Director of the National Institute
20 of Child Health and Human Development.

21 (D) The Director of the Census.

22 (E) The Commissioner of Labor Statistics.

23 (F) The Director of the National Science
24 Foundation.

25 (4) APPOINTED MEMBERSHIP.—

1 (A) QUALIFICATIONS.—Members ap-
2 pointed under paragraph (1) shall be highly
3 qualified to appraise education research, statis-
4 tics, evaluations, or development, and shall in-
5 clude the following individuals:

6 (i) Not fewer than 8 researchers in
7 the field of statistics, evaluation, social
8 sciences, or physical and biological
9 sciences, which may include those research-
10 ers recommended by the National Academy
11 of Sciences.

12 (ii) Individuals who are knowledgeable
13 about the educational needs of the United
14 States, who may include school-based pro-
15 fessional educators, parents (including par-
16 ents with experience in promoting parental
17 involvement in education), Chief State
18 School Officers, State postsecondary edu-
19 cation executives, presidents of institutions
20 of higher education, local educational agen-
21 cy superintendents, early childhood ex-
22 perts, principals, members of State or local
23 boards of education or Bureau-funded
24 school boards, and individuals from busi-
25 ness and industry with experience in pro-

1 moting private sector involvement in edu-
2 cation.

3 (B) TERMS.—Each member appointed
4 under paragraph (1) shall serve for a term of
5 4 years, except that—

6 (i) the terms of the initial members
7 appointed under such paragraph shall (as
8 determined by a random selection process
9 at the time of appointment) be for stag-
10 gered terms of—

11 (I) 4 years for each of 5 mem-
12 bers;

13 (II) 3 years for each of 5 mem-
14 bers; and

15 (III) 2 years for each of 5 mem-
16 bers; and

17 (ii) no member appointed under such
18 paragraph shall serve for more than 2 con-
19 secutive terms.

20 (C) UNEXPIRED TERMS.—Any member ap-
21 pointed to fill a vacancy occurring before the
22 expiration of the term for which the member's
23 predecessor was appointed shall be appointed
24 only for the remainder of that term.

1 (D) CONFLICT OF INTEREST.—A voting
2 member of the Board shall be considered a spe-
3 cial Government employee for the purposes of
4 the Ethics in Government Act of 1978.

5 (5) CHAIR.—The Board shall elect a chair from
6 among the members of the Board.

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

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

18 (8) POWERS OF THE BOARD.—

19 (A) EXECUTIVE DIRECTOR.—The Board
20 shall have an Executive Director who shall be
21 appointed by the Board.

22 (B) ADDITIONAL STAFF.—The Board shall
23 utilize such additional staff as may be ap-
24 pointed or assigned by the Director, in con-

1 sultation with the Chair and the Executive Di-
2 rector.

3 (C) DETAIL OF PERSONNEL.—The Board
4 may use the services and facilities of any de-
5 partment or agency of the Federal Government.
6 Upon the request of the Board, the head of any
7 Federal department or agency may detail any
8 of the personnel of that department or agency
9 to the Board to assist the Board in carrying out
10 this Act.

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

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

20 (9) MEETINGS.—The Board shall meet not less
21 than 3 times each year. The Board shall hold addi-
22 tional meetings at the call of the Chair or upon the
23 written request of not less than 6 voting members
24 of the Board. Meetings of the Board shall be open
25 to the public.

1 (10) QUORUM.—A majority of the voting mem-
2 bers of the Board serving at the time of the meeting
3 shall constitute a quorum.

4 (d) STANDING COMMITTEES.—

5 (1) ESTABLISHMENT.—The Board may estab-
6 lish standing committees—

7 (A) that will each serve 1 of the National
8 Education Centers; and

9 (B) to advise, consult with, and make rec-
10 ommendations to the Director and the Commis-
11 sioner of the appropriate National Education
12 Center.

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

19 (A) experts and scientists in research, sta-
20 tistics, evaluation, or development who are rec-
21 ognized in their discipline as highly qualified to
22 represent such discipline and who are not mem-
23 bers of the Board, but who may have been rec-
24 ommended by the Commissioner of the appro-

1 appropriate National Education Center and approved
2 by the Board;

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

4 (C) policymakers and expert practitioners
5 with knowledge of, and experience using, the re-
6 sults of research, evaluation, and statistics who
7 are not members of the Board, but who may
8 have been recommended by the Commissioner
9 of the appropriate National Education Center
10 and approved by the Board.

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

12 (A) review and comment, at the discretion
13 of the Board or the standing committee, on any
14 grant, contract, or cooperative agreement en-
15 tered into (or proposed to be entered into) by
16 the applicable National Education Center;

17 (B) prepare for, and submit to, the Board
18 an annual evaluation of the operations of the
19 applicable National Education Center;

20 (C) review and comment on the relevant
21 plan for activities to be undertaken by the ap-
22 plicable National Education Center for each fis-
23 cal year; and

1 (D) report periodically to the Board re-
2 garding the activities of the committee and the
3 applicable National Education Center.

4 (e) ANNUAL REPORT.—The Board shall submit to
5 the Director, the Secretary, and the appropriate congres-
6 sional committees, not later than July 1 of each year, a
7 report that assesses the effectiveness of the Institute in
8 carrying out its priorities and mission, especially as such
9 priorities and mission relate to carrying out scientifically
10 valid research, conducting unbiased evaluations, collecting
11 and reporting accurate education statistics, and trans-
12 lating research into practice.

13 (f) RECOMMENDATIONS.—The Board shall submit to
14 the Director, the Secretary, and the appropriate congres-
15 sional committees a report that includes any recommenda-
16 tions regarding any actions that may be taken to enhance
17 the ability of the Institute to carry out its priorities and
18 mission. The Board shall submit an interim report not
19 later than 3 years after the date of enactment of this Act
20 and a final report not later than 5 years after such date
21 of enactment.

22 **SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION**
23 **CENTERS.**

24 (a) APPOINTMENT OF COMMISSIONERS.—

1 (1) IN GENERAL.—Except as provided in sub-
2 section (b), each of the National Education Centers
3 shall be headed by a Commissioner appointed by the
4 Director. In appointing Commissioners, the Director
5 shall seek to promote continuity in leadership of the
6 National Education Centers and shall consider indi-
7 viduals recommended by the Board. The Director
8 may appoint a Commissioner to carry out the func-
9 tions of a National Education Center without regard
10 to the provisions of title 5, United States Code, gov-
11 erning appointments in the competitive service, and
12 the provisions of chapter 51 and subchapter III of
13 chapter 53 of such title relating to classification and
14 General Schedule pay rates.

15 (2) PAY AND QUALIFICATIONS.—Except as pro-
16 vided in subsection (b), each Commissioner shall—

17 (A) receive the rate of basic pay for level
18 IV of the Executive Schedule; and

19 (B) be highly qualified in the field of edu-
20 cation research or evaluation.

21 (3) SERVICE.—Except as provided in subsection
22 (b), each Commissioner shall report to the Director.
23 A Commissioner shall serve for a period of not more
24 than 6 years, except that a Commissioner—

1 (A) may be reappointed by the Director;
2 and

3 (B) may serve after the expiration of that
4 Commissioner's term, until a successor has
5 been appointed, for a period not to exceed 1 ad-
6 ditional year.

7 (b) APPOINTMENT OF COMMISSIONER FOR EDU-
8 CATION STATISTICS.—The National Center for Education
9 Statistics shall be headed by a Commissioner for Edu-
10 cation Statistics who shall be appointed by the President,
11 by and with the advice and consent of the Senate, and
12 who shall—

13 (1) have substantial knowledge of programs as-
14 sisted by the National Center for Education Statis-
15 tics;

16 (2) receive the rate of basic pay for level IV of
17 the Executive Schedule; and

18 (3) serve for a term of 6 years, with the term
19 to expire every sixth June 21, beginning in 2003.

20 (c) COORDINATION.—Each Commissioner of a Na-
21 tional Education Center shall coordinate with each of the
22 other Commissioners of the National Education Centers
23 in carrying out such Commissioner's duties under this
24 title.

1 (d) SUPERVISION AND APPROVAL.—Each Commis-
2 sioner, except the Commissioner for Education Statistics,
3 shall carry out such Commissioner’s duties under this title
4 under the supervision and subject to the approval of the
5 Director.

6 **SEC. 118. AGREEMENTS.**

7 The Institute may carry out research projects of com-
8 mon interest with entities such as the National Science
9 Foundation and the National Institute of Child Health
10 and Human Development through agreements with such
11 entities that are in accordance with section 430 of the
12 General Education Provisions Act (20 U.S.C. 1231).

13 **SEC. 119. BIENNIAL REPORT.**

14 The Director shall, on a biennial basis, transmit to
15 the President, the Board, and the appropriate congres-
16 sional committees, and make widely available to the public
17 (including by means of the Internet), a report containing
18 the following:

19 (1) A description of the activities carried out by
20 and through the National Education Centers during
21 the prior fiscal years.

22 (2) A summary of each grant, contract, and co-
23 operative agreement in excess of \$100,000 funded
24 through the National Education Centers during the
25 prior fiscal years, including, at a minimum, the

1 amount, duration, recipient, purpose of the award,
2 and the relationship, if any, to the priorities and
3 mission of the Institute, which shall be available in
4 a user-friendly electronic database.

5 (3) A description of how the activities of the
6 National Education Centers are consistent with the
7 principles of scientifically valid research and the pri-
8 orities and mission of the Institute.

9 (4) Such additional comments, recommenda-
10 tions, and materials as the Director considers appro-
11 priate.

12 **SEC. 120. COMPETITIVE AWARDS.**

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

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

19 **SEC. 131. ESTABLISHMENT.**

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

23 (b) MISSION.—The mission of the Research Center
24 is—

1 (1) to sponsor sustained research that will lead
2 to the accumulation of knowledge and understanding
3 of education, to—

4 (A) ensure that all children have access to
5 a high-quality education;

6 (B) improve student academic achieve-
7 ment, including through the use of educational
8 technology;

9 (C) close the achievement gap between
10 high-performing and low-performing students
11 through the improvement of teaching and learn-
12 ing of reading, writing, mathematics, science,
13 and other academic subjects; and

14 (D) improve access to, and opportunity for,
15 postsecondary education;

16 (2) to support the synthesis and, as appro-
17 priate, the integration of education research;

18 (3) to promote quality and integrity through
19 the use of accepted practices of scientific inquiry to
20 obtain knowledge and understanding of the validity
21 of education theories, practices, or conditions; and

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

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

2 The Research Center shall be headed by a Commis-
3 sioner for Education Research (in this part referred to as
4 the “Research Commissioner”) who shall have substantial
5 knowledge of the activities of the Research Center, includ-
6 ing a high level of expertise in the fields of research and
7 research management.

8 **SEC. 133. DUTIES.**

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

10 (1) maintain published peer-review standards
11 and standards for the conduct and evaluation of all
12 research and development carried out under the aus-
13 pices of the Research Center in accordance with this
14 part;

15 (2) propose to the Director a research plan
16 that—

17 (A) is consistent with the priorities and
18 mission of the Institute and the mission of the
19 Research Center and includes the activities de-
20 scribed in paragraph (3); and

21 (B) shall be carried out pursuant to para-
22 graph (4) and, as appropriate, be updated and
23 modified;

24 (3) carry out specific, long-term research activi-
25 ties that are consistent with the priorities and mis-

1 sion of the Institute, and are approved by the Direc-
2 tor;

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

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

9 (B) meets the procedures for peer review
10 established by the Director under section
11 114(f)(5) and the standards of research de-
12 scribed in section 134; and

13 (C) includes both basic research and ap-
14 plied research, which shall include research con-
15 ducted through field-initiated research and on-
16 going research initiatives;

17 (5) promote the use of scientifically valid re-
18 search within the Federal Government, including ac-
19 tive participation in interagency research projects
20 described in section 118;

21 (6) ensure that research conducted under the
22 direction of the Research Center is relevant to edu-
23 cation practice and policy;

24 (7) synthesize and disseminate, through the Na-
25 tional Center for Education Evaluation and Regional

1 Assistance, the findings and results of education re-
2 search conducted or supported by the Research Cen-
3 ter;

4 (8) assist the Director in the preparation of a
5 biennial report, as described in section 119;

6 (9) carry out research on successful State and
7 local education reform activities, including those that
8 result in increased academic achievement and in
9 closing the achievement gap, as approved by the Di-
10 rector;

11 (10) carry out research initiatives regarding the
12 impact of technology, including—

13 (A) research into how technology affects
14 student achievement;

15 (B) long-term research into cognition and
16 learning issues as they relate to the uses of
17 technology;

18 (C) rigorous, peer-reviewed, large-scale,
19 long-term, and broadly applicable empirical re-
20 search that is designed to determine which ap-
21 proaches to the use of technology are most ef-
22 fective and cost-efficient in practice and under
23 what conditions; and

24 (D) field-based research on how teachers
25 implement technology and Internet-based re-

1 sources in the classroom, including an under-
2 standing how these resources are being
3 accessed, put to use, and the effectiveness of
4 such resources; and

5 (11) carry out research that is rigorous, peer-
6 reviewed, and large scale to determine which meth-
7 ods of mathematics and science teaching are most
8 effective, cost efficient, and able to be applied, dupli-
9 cated, and scaled up for use in elementary and sec-
10 ondary classrooms, including in low-performing
11 schools, to improve the teaching of, and student
12 achievement in, mathematics and science as required
13 under the Elementary and Secondary Education Act
14 of 1965 (20 U.S.C. 6301 et seq.).

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

19 (c) NATIONAL RESEARCH AND DEVELOPMENT CEN-
20 TERS.—

21 (1) SUPPORT.—In carrying out activities under
22 subsection (a)(3), the Research Commissioner shall
23 support not less than 8 national research and devel-
24 opment centers. The Research Commissioner shall
25 assign each of the 8 national research and develop-

1 ment centers not less than 1 of the topics described
2 in paragraph (2). In addition, the Research Commis-
3 sioner may assign each of the 8 national research
4 and development centers additional topics of re-
5 search consistent with the mission and priorities of
6 the Institute and the mission of the Research Cen-
7 ter.

8 (2) TOPICS OF RESEARCH.—The Research
9 Commissioner shall support the following topics of
10 research, through national research and development
11 centers or through other means:

12 (A) Adult literacy.

13 (B) Assessment, standards, and account-
14 ability research.

15 (C) Early childhood development and edu-
16 cation.

17 (D) English language learners research.

18 (E) Improving low achieving schools.

19 (F) Innovation in education reform.

20 (G) State and local policy.

21 (H) Postsecondary education and training.

22 (I) Rural education.

23 (J) Teacher quality.

24 (K) Reading and literacy.

1 (3) DUTIES OF CENTERS.—The national re-
2 search and development centers shall address areas
3 of national need, including in educational technology
4 areas. The Research Commissioner may support ad-
5 ditional national research and development centers
6 to address topics of research not described in para-
7 graph (2) if such topics are consistent with the pri-
8 orities and mission of the Institute and the mission
9 of the Research Center. The research carried out by
10 the centers shall incorporate the potential or existing
11 role of educational technology, where appropriate, in
12 achieving the goals of each center.

13 (4) SCOPE.—Support for a national research
14 and development center shall be for a period of not
15 more than 5 years, shall be of sufficient size and
16 scope to be effective, and notwithstanding section
17 134(b), may be renewed without competition for not
18 more than 5 additional years if the Director, in con-
19 sultation with the Research Commissioner and the
20 Board, determines that the research of the national
21 research and development center—

22 (A) continues to address priorities of the
23 Institute; and

1 (B) merits renewal (applying the proce-
2 dures and standards established in section
3 134).

4 (5) LIMIT.—No national research and develop-
5 ment center may be supported under this subsection
6 for a period of more than 10 years without submit-
7 ting to a competitive process for the award of the
8 support.

9 (6) CONTINUATION OF AWARDS.—The Director
10 shall continue awards made to the national research
11 and development centers that are in effect on the
12 day before the date of enactment of this Act in ac-
13 cordance with the terms of those awards and may
14 renew them in accordance with paragraphs (4) and
15 (5).

16 (7) DISAGGREGATION.—To the extent feasible,
17 research conducted under this subsection shall be
18 disaggregated by age, race, gender, and socio-
19 economic background.

20 **SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF**
21 **RESEARCH.**

22 (a) IN GENERAL.—In carrying out this part, the Re-
23 search Commissioner shall—

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

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

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

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

20 (b) PEER REVIEW.—

21 (1) IN GENERAL.—The Director shall establish
22 a peer review system, involving highly qualified indi-
23 viduals with an in-depth knowledge of the subject to
24 be investigated, for reviewing and evaluating all ap-
25 plications for grants and cooperative agreements

1 that exceed \$100,000, and for evaluating and assess-
2 ing the products of research by all recipients of
3 grants and cooperative agreements under this Act.

4 (2) EVALUATION.—The Research Commissioner
5 shall—

6 (A) develop the procedures to be used in
7 evaluating applications for research grants, co-
8 operative agreements, and contracts, and speci-
9 fy the criteria and factors (including, as appli-
10 cable, the use of longitudinal data linking test
11 scores, enrollment, and graduation rates over
12 time) which shall be considered in making such
13 evaluations; and

14 (B) evaluate the performance of each re-
15 cipient of an award of a research grant, con-
16 tract, or cooperative agreement at the conclu-
17 sion of the award.

18 (c) LONG-TERM RESEARCH.—The Research Com-
19 missioner shall ensure that not less than 50 percent of
20 the funds made available for research for each fiscal year
21 shall be used to fund long-term research programs of not
22 less than 5 years, which support the priorities and mission
23 of the Institute and the mission of the Research Center.

1 **PART C—NATIONAL CENTER FOR**
2 **EDUCATION STATISTICS**

3 **SEC. 151. ESTABLISHMENT.**

4 (a) **ESTABLISHMENT.**—There is established in the
5 Institute a National Center for Education Statistics (in
6 this part referred to as the “Statistics Center”).

7 (b) **MISSION.**—The mission of the Statistics Center
8 shall be—

9 (1) to collect and analyze education information
10 and statistics in a manner that meets the highest
11 methodological standards;

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

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

16 (A) is objective, secular, neutral, and non-
17 ideological and is free of partisan political influ-
18 ence and racial, cultural, gender, or regional
19 bias; and

20 (B) is relevant and useful to practitioners,
21 researchers, policymakers, and the public.

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

23 The Statistics Center shall be headed by a Commis-
24 sioner for Education Statistics (in this part referred to
25 as the “Statistics Commissioner”) who shall be highly

1 qualified and have substantial knowledge of statistical
2 methodologies and activities undertaken by the Statistics
3 Center.

4 **SEC. 153. DUTIES.**

5 (a) GENERAL DUTIES.—The Statistics Center shall
6 collect, report, analyze, and disseminate statistical data re-
7 lated to education in the United States and in other na-
8 tions, including—

9 (1) collecting, acquiring, compiling (where ap-
10 propriate, on a State-by-State basis), and dissemi-
11 nating full and complete statistics (disaggregated by
12 the population characteristics described in paragraph
13 (3)) on the condition and progress of education, at
14 the preschool, elementary, secondary, postsecondary,
15 and adult levels in the United States, including data
16 on—

17 (A) State and local education reform ac-
18 tivities;

19 (B) State and local early childhood school
20 readiness activities;

21 (C) student achievement in, at a minimum,
22 the core academic areas of reading, mathe-
23 matics, and science at all levels of education;

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

1 (E) access to, and opportunity for, postsec-
2 ondary education, including data on financial
3 aid to postsecondary students;

4 (F) teaching, including—

5 (i) data on in-service professional de-
6 velopment, including a comparison of
7 courses taken in the core academic areas
8 of reading, mathematics, and science with
9 courses in noncore academic areas, includ-
10 ing technology courses; and

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

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

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

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

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

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

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

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

14 (K) the existence and use of educational
15 technology and access to the Internet by stu-
16 dents and teachers in elementary schools and
17 secondary schools;

18 (L) access to, and opportunity for, early
19 childhood education;

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

23 (N) student participation in and comple-
24 tion of secondary and postsecondary vocational

1 and technical education programs by specific
2 program area; and

3 (O) the existence and use of school librar-
4 ies;

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

8 (3) collecting, analyzing, cross-tabulating, and
9 reporting, to the extent feasible, information by gen-
10 der, race, ethnicity, socioeconomic status, limited
11 English proficiency, mobility, disability, urban, rural,
12 suburban districts, and other population characteris-
13 tics, when such disaggregated information will facili-
14 tate educational and policy decisionmaking;

15 (4) assisting public and private educational
16 agencies, organizations, and institutions in improv-
17 ing and automating statistical and data collection
18 activities, which may include assisting State edu-
19 cational agencies and local educational agencies with
20 the disaggregation of data and with the development
21 of longitudinal student data systems;

22 (5) determining voluntary standards and guide-
23 lines to assist State educational agencies in devel-
24 oping statewide longitudinal data systems that link
25 individual student data consistent with the require-

1 ments of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 6301 et seq.), promote link-
3 ages across States, and protect student privacy con-
4 sistent with section 183, to improve student aca-
5 demic achievement and close achievement gaps;

6 (6) acquiring and disseminating data on edu-
7 cational activities and student achievement (such as
8 the Third International Math and Science Study) in
9 the United States compared with foreign nations;

10 (7) conducting longitudinal and special data
11 collections necessary to report on the condition and
12 progress of education;

13 (8) assisting the Director in the preparation of
14 a biennial report, as described in section 119; and

15 (9) determining, in consultation with the Na-
16 tional Research Council of the National Academies,
17 methodology by which States may accurately meas-
18 ure graduation rates (defined as the percentage of
19 students who graduate from secondary school with a
20 regular diploma in the standard number of years),
21 school completion rates, and dropout rates.

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

1 concepts, and may establish a fellowship program to ap-
2 point such employees as temporary fellows at the Statis-
3 tics Center, in order to assist the Statistics Center in car-
4 rying out its duties.

5 **SEC. 154. PERFORMANCE OF DUTIES.**

6 (a) GRANTS, CONTRACTS, AND COOPERATIVE
7 AGREEMENTS.—In carrying out the duties under this
8 part, the Statistics Commissioner, may award grants,
9 enter into contracts and cooperative agreements, and pro-
10 vide technical assistance.

11 (b) GATHERING INFORMATION.—

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

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

18 (A) from States, local educational agencies,
19 public and private schools, preschools, institu-
20 tions of higher education, vocational and adult
21 education programs, libraries, administrators,
22 teachers, students, the general public, and other
23 individuals, organizations, agencies, and institu-
24 tions (including information collected by States

1 and local educational agencies for their own
2 use); and

3 (B) by other offices within the Institute
4 and by other Federal departments, agencies,
5 and instrumentalities.

6 (3) COLLECTION.—The Statistics Commissioner
7 may—

8 (A) enter into interagency agreements for
9 the collection of statistics;

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

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

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

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

23 (B) coordinate with other Department of-
24 fices in the collection of data.

1 (c) DURATION.—Notwithstanding any other provi-
2 sion of law, the grants, contracts, and cooperative agree-
3 ments under this section may be awarded, on a competi-
4 tive basis, for a period of not more than 5 years, and may
5 be renewed at the discretion of the Statistics Commis-
6 sioner for an additional period of not more than 5 years.

7 **SEC. 155. REPORTS.**

8 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The
9 Statistics Commissioner, shall establish procedures, in ac-
10 cordance with section 186, to ensure that the reports
11 issued under this section are relevant, of high quality, use-
12 ful to customers, subject to rigorous peer review, produced
13 in a timely fashion, and free from any partisan political
14 influence.

15 (b) REPORT ON CONDITION AND PROGRESS OF EDU-
16 CATION.—Not later than June 1, 2003, and each June
17 1 thereafter, the Statistics Commissioner, shall submit to
18 the President and the appropriate congressional commit-
19 tees a statistical report on the condition and progress of
20 education in the United States.

21 (c) STATISTICAL REPORTS.—The Statistics Commis-
22 sioner shall issue regular and, as necessary, special statis-
23 tical reports on education topics, particularly in the core
24 academic areas of reading, mathematics, and science, con-

1 sistent with the priorities and the mission of the Statistics
2 Center.

3 **SEC. 156. DISSEMINATION.**

4 (a) GENERAL REQUESTS.—

5 (1) IN GENERAL.—The Statistics Center may
6 furnish transcripts or copies of tables and other sta-
7 tistical records and make special statistical compila-
8 tions and surveys for State and local officials, public
9 and private organizations, and individuals.

10 (2) COMPILATIONS.—The Statistics Center
11 shall provide State educational agencies, local edu-
12 cational agencies, and institutions of higher edu-
13 cation with opportunities to suggest the establish-
14 ment of particular compilations of statistics, surveys,
15 and analyses that will assist those educational agen-
16 cies.

17 (b) CONGRESSIONAL REQUESTS.—The Statistics
18 Center shall furnish such special statistical compilations
19 and surveys as the relevant congressional committees may
20 request.

21 (c) JOINT STATISTICAL PROJECTS.—The Statistics
22 Center may engage in joint statistical projects related to
23 the mission of the Center, or other statistical purposes au-
24 thorized by law, with nonprofit organizations or agencies,

1 and the cost of such projects shall be shared equitably as
2 determined by the Secretary.

3 (d) FEES.—

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

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

15 (e) ACCESS.—

16 (1) OTHER AGENCIES.—The Statistics Center
17 shall, consistent with section 183, cooperate with
18 other Federal agencies having a need for educational
19 data in providing access to educational data received
20 by the Statistics Center.

21 (2) INTERESTED PARTIES.—The Statistics Cen-
22 ter shall, in accordance with such terms and condi-
23 tions as the Center may prescribe, provide all inter-
24 ested parties, including public and private agencies,
25 parents, and other individuals, direct access, in the

1 most appropriate form (including, where possible,
2 electronically), to data collected by the Statistics
3 Center for the purposes of research and acquiring
4 statistical information.

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

6 The Statistics Center may establish 1 or more na-
7 tional cooperative education statistics systems for the pur-
8 pose of producing and maintaining, with the cooperation
9 of the States, comparable and uniform information and
10 data on early childhood education, elementary and sec-
11 ondary education, postsecondary education, adult edu-
12 cation, and libraries, that are useful for policymaking at
13 the Federal, State, and local levels.

14 **SEC. 158. STATE DEFINED.**

15 In this part, the term “State” means each of the 50
16 States, the District of Columbia, and the Commonwealth
17 of Puerto Rico.

18 **PART D—NATIONAL CENTER FOR EDU-**
19 **CATION EVALUATION AND REGIONAL**
20 **ASSISTANCE**

21 **SEC. 171. ESTABLISHMENT.**

22 (a) ESTABLISHMENT.—There is established in the
23 Institute a National Center for Education Evaluation and
24 Regional Assistance.

1 (b) MISSION.—The mission of the National Center
2 for Education Evaluation and Regional Assistance shall
3 be—

4 (1) to provide technical assistance;

5 (2) to conduct evaluations of Federal education
6 programs administered by the Secretary (and as
7 time and resources allow, other education programs)
8 to determine the impact of such programs (especially
9 on student academic achievement in the core aca-
10 demic areas of reading, mathematics, and science);

11 (3) to support synthesis and wide dissemination
12 of results of evaluation, research, and products de-
13 veloped; and

14 (4) to encourage the use of scientifically valid
15 education research and evaluation throughout the
16 United States.

17 (c) GRANTS, CONTRACTS, AND COOPERATIVE
18 AGREEMENTS.—In carrying out the duties under this
19 part, the Director may award grants, enter into contracts
20 and cooperative agreements, and provide technical assist-
21 ance.

22 **SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION**
23 **AND REGIONAL ASSISTANCE.**

24 (a) IN GENERAL.—The National Center for Edu-
25 cation Evaluation and Regional Assistance shall be headed

1 by a Commissioner for Education Evaluation and Re-
2 gional Assistance (in this part referred to as the “Evalu-
3 tion and Regional Assistance Commissioner”) who is high-
4 ly qualified and has demonstrated a capacity to carry out
5 the mission of the Center and shall—

6 (1) conduct evaluations pursuant to section
7 173;

8 (2) widely disseminate information on scientif-
9 ically valid research, statistics, and evaluation on
10 education, particularly to State educational agencies
11 and local educational agencies, to institutions of
12 higher education, to the public, the media, voluntary
13 organizations, professional associations, and other
14 constituencies, especially with respect to information
15 relating to, at a minimum—

16 (A) the core academic areas of reading,
17 mathematics, and science;

18 (B) closing the achievement gap between
19 high-performing students and low-performing
20 students;

21 (C) educational practices that improve aca-
22 demic achievement and promote learning;

23 (D) education technology, including soft-
24 ware; and

1 (E) those topics covered by the Edu-
2 cational Resources Information Center Clear-
3 inghouses (established under section 941(f) of
4 the Educational Research, Development, Dis-
5 semination, and Improvement Act of 1994 (20
6 U.S.C. 6041(f)) (as such provision was in effect
7 on the day before the date of enactment of this
8 Act);

9 (3) make such information accessible in a user-
10 friendly, timely, and efficient manner (including
11 through use of a searchable Internet-based online
12 database that shall include all topics covered in
13 paragraph (2)(E)) to schools, institutions of higher
14 education, educators (including early childhood edu-
15 cators), parents, administrators, policymakers, re-
16 searchers, public and private entities (including pro-
17 viders of early childhood services), entities respon-
18 sible for carrying out technical assistance through
19 the Department, and the general public;

20 (4) support the regional educational labora-
21 tories in conducting applied research, the develop-
22 ment and dissemination of educational research,
23 products and processes, the provision of technical as-
24 sistance, and other activities to serve the educational
25 needs of such laboratories' regions;

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

4 (6) assist the Director in the preparation of a
5 biennial report, described in section 119; and

6 (7) award a contract for a prekindergarten
7 through grade 12 mathematics and science teacher
8 clearinghouse.

9 (b) **ADDITIONAL DUTIES.**—In carrying out sub-
10 section (a), the Evaluation and Regional Assistance Com-
11 missioner shall—

12 (1) ensure that information disseminated under
13 this section is provided in a cost-effective, non-
14 duplicative manner that includes the most current
15 research findings, which may include through the
16 continuation of individual clearinghouses authorized
17 under the Educational Research, Development, Dis-
18 semination, and Improvement Act of 1994 (title IX
19 of the Goals 2000: Educate America Act; 20 U.S.C.
20 6001 et seq.) (as such Act existed on the day before
21 the date of enactment of this Act);

22 (2) describe prominently the type of scientific
23 evidence that is used to support the findings that
24 are disseminated;

1 (3) explain clearly the scientifically appropriate
2 and inappropriate uses of—

3 (A) the findings that are disseminated; and

4 (B) the types of evidence used to support
5 those findings; and

6 (4) respond, as appropriate, to inquiries from
7 schools, educators, parents, administrators, policy-
8 makers, researchers, public and private entities, and
9 entities responsible for carrying out technical assist-
10 ance.

11 (c) CONTINUATION.—The Director shall continue
12 awards for the support of the Educational Resources In-
13 formation Center Clearinghouses and contracts for re-
14 gional educational laboratories (established under sub-
15 sections (f) and (h) of section 941 of the Educational Re-
16 search, Development, Dissemination, and Improvement
17 Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards
18 were in effect on the day before the date of enactment
19 of this Act)) for the duration of those awards, in accord-
20 ance with the terms and agreements of such awards.

21 (d) NATIONAL LIBRARY OF EDUCATION.—

22 (1) ESTABLISHMENT.—There is established,
23 within the National Center for Education Evaluation
24 and Regional Assistance, a National Library of Edu-
25 cation that shall—

1 (A) be headed by an individual who is
2 highly qualified in library science;

3 (B) collect and archive information;

4 (C) provide a central location within the
5 Federal Government for information about edu-
6 cation;

7 (D) provide comprehensive reference serv-
8 ices on matters related to education to employ-
9 ees of the Department of Education and its
10 contractors and grantees, other Federal employ-
11 ees, and members of the public; and

12 (E) promote greater cooperation and re-
13 source sharing among providers and reposi-
14 tories of education information in the United
15 States.

16 (2) INFORMATION.—The information collected
17 and archived by the National Library of Education
18 shall include—

19 (A) products and publications developed
20 through, or supported by, the Institute; and

21 (B) other relevant and useful education-re-
22 lated research, statistics, and evaluation mate-
23 rials and other information, projects, and publi-
24 cations that are—

25 (i) consistent with—

1 (I) scientifically valid research; or
2 (II) the priorities and mission of
3 the Institute; and
4 (ii) developed by the Department,
5 other Federal agencies, or entities (includ-
6 ing entities supported under the Edu-
7 cational Technical Assistance Act of 2002
8 and the Educational Resources Informa-
9 tion Center Clearinghouses (established
10 under section 941(f) of the Educational
11 Research, Development, Dissemination,
12 and Improvement Act of 1994 (20 U.S.C.
13 6041(f)) (as such provision was in effect
14 on the day before the date of enactment of
15 this Act))).

16 **SEC. 173. EVALUATIONS.**

17 (a) IN GENERAL.—

18 (1) REQUIREMENTS.—In carrying out its mis-
19 sions, the National Center for Education Evaluation
20 and Regional Assistance may—

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

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

4 (C) to the extent practicable, examine eval-
5 uations conducted or supported by others in
6 order to determine the quality and relevance of
7 the evidence of effectiveness generated by those
8 evaluations, with the approval of the Director;

9 (D) coordinate the activities of the Na-
10 tional Center for Education Evaluation and Re-
11 gional Assistance with other evaluation activi-
12 ties in the Department;

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

18 (F) establish evaluation methodology; and

19 (G) assist the Director in the preparation
20 of the biennial report, as described in section
21 119.

22 (2) ADDITIONAL REQUIREMENTS.—Each eval-
23 uation conducted by the National Center for Edu-
24 cation Evaluation and Regional Assistance pursuant
25 to paragraph (1) shall—

1 (A) adhere to the highest possible stand-
2 ards of quality for conducting scientifically valid
3 education evaluation; and

4 (B) be subject to rigorous peer-review.

5 (b) ADMINISTRATION OF EVALUATIONS UNDER
6 TITLE I OF THE ELEMENTARY AND SECONDARY EDU-
7 CATION ACT OF 1965.—The Evaluation and Regional As-
8 sistance Commissioner, consistent with the mission of the
9 National Center for Education Evaluation and Regional
10 Assistance under section 171(b), shall administer all oper-
11 ations and contracts associated with evaluations author-
12 ized by part E of title I of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6491 et seq.) and ad-
14 ministered by the Department as of the date of enactment
15 of this Act.

16 **SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR**
17 **RESEARCH, DEVELOPMENT, DISSEMINATION,**
18 **AND TECHNICAL ASSISTANCE.**

19 (a) REGIONAL EDUCATIONAL LABORATORIES.—The
20 Director shall enter into contracts with entities to estab-
21 lish a networked system of 10 regional educational labora-
22 tories that serve the needs of each region of the United
23 States in accordance with the provisions of this section.
24 The amount of assistance allocated to each laboratory by
25 the Evaluation and Regional Assistance Commissioner

1 shall reflect the number of local educational agencies and
2 the number of school-age children within the region served
3 by such laboratory, as well as the cost of providing services
4 within the geographic area encompassed by the region.

5 (b) REGIONS.—The regions served by the regional
6 educational laboratories shall be the 10 geographic regions
7 served by the regional educational laboratories established
8 under section 941(h) of the Educational Research, Devel-
9 opment, Dissemination, and Improvement Act of 1994 (as
10 such provision existed on the day before the date of enact-
11 ment of this Act).

12 (c) ELIGIBLE APPLICANTS.—The Director may enter
13 into contracts under this section with research organiza-
14 tions, institutions, agencies, institutions of higher edu-
15 cation, or partnerships among such entities, or individuals,
16 with the demonstrated ability or capacity to carry out the
17 activities described in this section, including regional enti-
18 ties that carried out activities under the Educational Re-
19 search, Development, Dissemination, and Improvement
20 Act of 1994 (as such Act existed on the day before the
21 date of enactment of this Act) and title XIII of the Ele-
22 mentary and Secondary Education Act of 1965 (as such
23 title existed on the day before the date of enactment of
24 the No Child Left Behind Act of 2001 (Public Law 107–
25 110)).

1 (d) APPLICATIONS.—

2 (1) SUBMISSION.—Each applicant desiring a
3 contract under this section shall submit an applica-
4 tion at such time, in such manner, and containing
5 such information as the Director may reasonably re-
6 quire.

7 (2) PLAN.—Each application submitted under
8 paragraph (1) shall contain a 5-year plan for car-
9 rying out the activities described in this section in
10 a manner that addresses the priorities established
11 under section 207 and addresses the needs of all
12 States (and to the extent practicable, of local edu-
13 cational agencies) within the region to be served by
14 the regional educational laboratory, on an ongoing
15 basis.

16 (e) ENTERING INTO CONTRACTS.—

17 (1) IN GENERAL.—In entering into contracts
18 under this section, the Director shall—

19 (A) enter into contracts for a 5-year pe-
20 riod; and

21 (B) ensure that regional educational lab-
22 oratories established under this section have
23 strong and effective governance, organization,
24 management, and administration, and employ
25 qualified staff.

1 (2) COORDINATION.—In order to ensure coordi-
2 nation and prevent unnecessary duplication of activi-
3 ties among the regions, the Evaluation and Regional
4 Assistance Commissioner shall—

5 (A) share information about the activities
6 of each regional educational laboratory awarded
7 a contract under this section with each other
8 regional educational laboratory awarded a con-
9 tract under this section and with the Depart-
10 ment of Education, including the Director and
11 the Board;

12 (B) oversee a strategic plan for ensuring
13 that each regional educational laboratory
14 awarded a contract under this section increases
15 collaboration and resource-sharing in such ac-
16 tivities;

17 (C) ensure, where appropriate, that the ac-
18 tivities of each regional educational laboratory
19 awarded a contract under this section also serve
20 national interests; and

21 (D) ensure that each regional educational
22 laboratory awarded a contract under this sec-
23 tion coordinates such laboratory's activities with
24 the activities of each other regional technical
25 assistance provider.

1 (3) OUTREACH.—In conducting competitions
2 for contracts under this section, the Director shall—

3 (A) actively encourage eligible entities to
4 compete for such awards by making information
5 and technical assistance relating to the competi-
6 tion widely available; and

7 (B) seek input from the chief executive of-
8 ficers of States, chief State school officers, edu-
9 cators, and parents regarding the need for ap-
10 plied research, wide dissemination, training,
11 technical assistance, and development activities
12 authorized by this title in the regions to be
13 served by the regional educational laboratories
14 and how those educational needs could be ad-
15 dressed most effectively.

16 (4) OBJECTIVES AND INDICATORS.—Before en-
17 tering into a contract under this section, the Direc-
18 tor shall design specific objectives and measurable
19 indicators to be used to assess the particular pro-
20 grams or initiatives, and ongoing progress and per-
21 formance, of the regional educational laboratories, in
22 order to ensure that the educational needs of the re-
23 gion are being met and that the latest and best re-
24 search and proven practices are being carried out as
25 part of school improvement efforts.

1 (5) STANDARDS.—The Evaluation and Regional
2 Assistance Commissioner shall establish a system for
3 technical and peer review to ensure that applied re-
4 search activities, research-based reports, and prod-
5 ucts of the regional educational laboratories are con-
6 sistent with the research standards described in sec-
7 tion 134 and the evaluation standards adhered to
8 pursuant to section 173(a)(2)(A).

9 (f) CENTRAL MISSION AND PRIMARY FUNCTION.—
10 Each regional educational laboratory awarded a contract
11 under this section shall support applied research, develop-
12 ment, wide dissemination, and technical assistance activi-
13 ties by—

14 (1) providing training (which may include sup-
15 porting internships and fellowships and providing
16 stipends) and technical assistance to State edu-
17 cational agencies, local educational agencies, school
18 boards, schools funded by the Bureau as appro-
19 priate, and State boards of education regarding, at
20 a minimum—

21 (A) the administration and implementation
22 of programs under the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 6301
24 et seq.);

1 (B) scientifically valid research in edu-
2 cation on teaching methods, assessment tools,
3 and high quality, challenging curriculum frame-
4 works for use by teachers and administrators
5 in, at a minimum—

6 (i) the core academic subjects of
7 mathematics, science, and reading;

8 (ii) English language acquisition;

9 (iii) education technology; and

10 (iv) the replication and adaption of
11 exemplary and promising practices and
12 new educational methods, including profes-
13 sional development strategies and the use
14 of educational technology to improve teach-
15 ing and learning; and

16 (C) the facilitation of communication be-
17 tween educational experts, school officials, and
18 teachers, parents, and librarians, to enable such
19 individuals to assist schools to develop a plan to
20 meet the State education goals;

21 (2) developing and widely disseminating, includ-
22 ing through Internet-based means, scientifically valid
23 research, information, reports, and publications that
24 are usable for improving academic achievement, clos-

1 ing achievement gaps, and encouraging and sus-
2 taining school improvement, to—

3 (A) schools, districts, institutions of higher
4 education, educators (including early childhood
5 educators and librarians), parents, policy-
6 makers, and other constituencies, as appro-
7 priate, within the region in which the regional
8 educational laboratory is located; and

9 (B) the National Center for Education
10 Evaluation and Regional Assistance;

11 (3) developing a plan for identifying and serv-
12 ing the needs of the region by conducting a con-
13 tinuing survey of the educational needs, strengths,
14 and weaknesses within the region, including a proc-
15 ess of open hearings to solicit the views of schools,
16 teachers, administrators, parents, local educational
17 agencies, librarians, and State educational agencies
18 within the region;

19 (4) in the event such quality applied research
20 does not exist as determined by the regional edu-
21 cational laboratory or the Department, carrying out
22 applied research projects that are designed to serve
23 the particular educational needs (in prekindergarten
24 through grade 16) of the region in which the re-
25 gional educational laboratory is located, that reflect

1 findings from scientifically valid research, and that
2 result in user-friendly, replicable school-based class-
3 room applications geared toward promoting in-
4 creased student achievement, including using applied
5 research to assist in solving site-specific problems
6 and assisting in development activities (including
7 high-quality and on-going professional development
8 and effective parental involvement strategies);

9 (5) supporting and serving the educational de-
10 velopment activities and needs of the region by pro-
11 viding educational applied research in usable forms
12 to promote school-improvement, academic achieve-
13 ment, and the closing of achievement gaps and con-
14 tributing to the current base of education knowledge
15 by addressing enduring problems in elementary and
16 secondary education and access to postsecondary
17 education;

18 (6) collaborating and coordinating services with
19 other technical assistance providers funded by the
20 Department of Education;

21 (7) assisting in gathering information on school
22 finance systems to promote improved access to edu-
23 cational opportunities and to better serve all public
24 school students;

1 (8) assisting in gathering information on alter-
2 native administrative structures that are more con-
3 ducive to planning, implementing, and sustaining
4 school reform and improved academic achievement;

5 (9) bringing teams of experts together to de-
6 velop and implement school improvement plans and
7 strategies, especially in low-performing or high pov-
8 erty schools; and

9 (10) developing innovative approaches to the
10 application of technology in education that are un-
11 likely to originate from within the private sector, but
12 which could result in the development of new forms
13 of education software, education content, and tech-
14 nology-enabled pedagogy.

15 (g) ACTIVITIES.—Each regional educational labora-
16 tory awarded a contract under this section shall carry out
17 the following activities:

18 (1) Collaborate with the National Education
19 Centers in order to—

20 (A) maximize the use of research con-
21 ducted through the National Education Centers
22 in the work of such laboratory;

23 (B) keep the National Education Centers
24 apprised of the work of the regional educational
25 laboratory in the field; and

1 (C) inform the National Education Centers
2 about additional research needs identified in the
3 field.

4 (2) Consult with the State educational agencies
5 and local educational agencies in the region in devel-
6 oping the plan for serving the region.

7 (3) Develop strategies to utilize schools as crit-
8 ical components in reforming education and revital-
9 izing rural communities in the United States.

10 (4) Report and disseminate information on
11 overcoming the obstacles faced by educators and
12 schools in high poverty, urban, and rural areas.

13 (5) Identify successful educational programs
14 that have either been developed by such laboratory
15 in carrying out such laboratory's functions or that
16 have been developed or used by others within the re-
17 gion served by the laboratory and make such infor-
18 mation available to the Secretary and the network of
19 regional educational laboratories so that such pro-
20 grams may be considered for inclusion in the na-
21 tional education dissemination system.

22 (h) GOVERNING BOARD AND ALLOCATION.—

23 (1) IN GENERAL.—In carrying out its respon-
24 sibilities, each regional educational laboratory
25 awarded a contract under this section, in keeping

1 with the terms and conditions of such laboratory's
2 contract, shall—

3 (A) establish a governing board that—

4 (i) reflects a balanced representation
5 of—

6 (I) the States in the region;

7 (II) the interests and concerns of
8 regional constituencies; and

9 (III) technical expertise;

10 (ii) includes the chief State school of-
11 ficer or such officer's designee of each
12 State represented in such board's region;

13 (iii) includes—

14 (I) representatives nominated by
15 chief executive officers of States and
16 State organizations of superintend-
17 ents, principals, institutions of higher
18 education, teachers, parents, busi-
19 nesses, and researchers; or

20 (II) other representatives of the
21 organizations described in subclause
22 (I), as required by State law in effect
23 on the day before the date of enact-
24 ment of this Act;

25 (iv) is the sole entity that—

1 (I) guides and directs the labora-
2 tory in carrying out the provisions of
3 this subsection and satisfying the
4 terms and conditions of the contract
5 award;

6 (II) determines the regional
7 agenda of the laboratory;

8 (III) engages in an ongoing dia-
9 logue with the Evaluation and Re-
10 gional Assistance Commissioner con-
11 cerning the laboratory's goals, activi-
12 ties, and priorities; and

13 (IV) determines at the start of
14 the contract period, subject to the re-
15 quirements of this section and in con-
16 sultation with the Evaluation and Re-
17 gional Assistance Commissioner, the
18 mission of the regional educational
19 laboratory for the duration of the con-
20 tract period;

21 (v) ensures that the regional edu-
22 cational laboratory attains and maintains a
23 high level of quality in the laboratory's
24 work and products;

1 (vi) establishes standards to ensure
2 that the regional educational laboratory
3 has strong and effective governance, orga-
4 nization, management, and administration,
5 and employs qualified staff;

6 (vii) directs the regional educational
7 laboratory to carry out the laboratory's du-
8 ties in a manner that will make progress
9 toward achieving the State education goals
10 and reforming schools and educational sys-
11 tems; and

12 (viii) conducts a continuing survey of
13 the educational needs, strengths, and
14 weaknesses within the region, including a
15 process of open hearings to solicit the
16 views of schools and teachers; and

17 (B) allocate the regional educational lab-
18 oratory's resources to and within each State in
19 a manner which reflects the need for assistance,
20 taking into account such factors as the propor-
21 tion of economically disadvantaged students, the
22 increased cost burden of service delivery in
23 areas of sparse populations, and any special ini-
24 tiatives being undertaken by State, inter-
25 mediate, local educational agencies, or Bureau-

1 funded schools, as appropriate, which may re-
2 quire special assistance from the laboratory.

3 (2) SPECIAL RULE.—If a regional educational
4 laboratory needs flexibility in order to meet the re-
5 quirements of paragraph (1)(A)(i), the regional edu-
6 cational laboratory may select not more than 10 per-
7 cent of the governing board from individuals outside
8 those representatives nominated in accordance with
9 paragraph (1)(A)(iii).

10 (i) DUTIES OF GOVERNING BOARD.—In order to im-
11 prove the efficiency and effectiveness of the regional edu-
12 cational laboratories, the governing boards of the regional
13 educational laboratories shall establish and maintain a
14 network to—

15 (1) share information about the activities each
16 laboratory is carrying out;

17 (2) plan joint activities that would meet the
18 needs of multiple regions;

19 (3) create a strategic plan for the development
20 of activities undertaken by the laboratories to reduce
21 redundancy and increase collaboration and resource-
22 sharing in such activities; and

23 (4) otherwise devise means by which the work
24 of the individual laboratories could serve national, as
25 well as regional, needs.

1 (j) EVALUATIONS.—The Evaluation and Regional As-
2 sistance Commissioner shall provide for independent eval-
3 uations of each of the regional educational laboratories in
4 carrying out the duties described in this section in the
5 third year that such laboratory receives assistance under
6 this section in accordance with the standards developed
7 by the Evaluation and Regional Assistance Commissioner
8 and approved by the Board and shall transmit the results
9 of such evaluations to the relevant committees of Con-
10 gress, the Board, and the appropriate regional educational
11 laboratory governing board.

12 (k) RULE OF CONSTRUCTION.—No regional edu-
13 cational laboratory receiving assistance under this section
14 shall, by reason of the receipt of that assistance, be ineli-
15 gible to receive any other assistance from the Department
16 of Education as authorized by law or be prohibited from
17 engaging in activities involving international projects or
18 endeavors.

19 (l) ADVANCE PAYMENT SYSTEM.—Each regional
20 educational laboratory awarded a contract under this sec-
21 tion shall participate in the advance payment system at
22 the Department of Education.

23 (m) ADDITIONAL PROJECTS.—In addition to activi-
24 ties authorized under this section, the Director is author-
25 ized to enter into contracts or agreements with a regional

1 educational laboratory for the purpose of carrying out ad-
2 ditional projects to enable such regional educational lab-
3 oratory to assist in efforts to achieve State education goals
4 and for other purposes.

5 (n) ANNUAL REPORT AND PLAN.—Not later than
6 July 1 of each year, each regional educational laboratory
7 awarded a contract under this section shall submit to the
8 Evaluation and Regional Assistance Commissioner—

9 (1) a plan covering the succeeding fiscal year,
10 in which such laboratory's mission, activities, and
11 scope of work are described, including a general de-
12 scription of the plans such laboratory expects to sub-
13 mit in the remaining years of such laboratory's con-
14 tract; and

15 (2) a report of how well such laboratory is
16 meeting the needs of the region, including a sum-
17 mary of activities during the preceding year, a list
18 of entities served, a list of products, and any other
19 information that the regional educational laboratory
20 may consider relevant or the Evaluation and Re-
21 gional Assistance Commissioner may require.

22 (o) CONSTRUCTION.—Nothing in this section shall be
23 construed to require any modifications in a regional edu-
24 cational laboratory contract in effect on the day before the
25 date of enactment of this Act.

1 **PART E—GENERAL PROVISIONS**

2 **SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.**

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

6 **SEC. 182. PROHIBITIONS.**

7 (a) NATIONAL DATABASE.—Nothing in this title may
8 be construed to authorize the establishment of a nation-
9 wide database of individually identifiable information on
10 individuals involved in studies or other collections of data
11 under this title.

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

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

1 rriculum designed to be used in an elementary school or
2 secondary school.

3 (d) **FEDERALLY SPONSORED TESTING.**—

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

11 (2) **EXCEPTIONS.**—Subsection (a) shall not
12 apply to international comparative assessments de-
13 veloped under the authority of section 153(a)(6) of
14 this title or section 404(a)(6) of the National Edu-
15 cation Statistics Act of 1994 (20 U.S.C. 9003(a)(6))
16 (as such section was in effect on the day before the
17 date of enactment of this Act) and administered to
18 only a representative sample of pupils in the United
19 States and in foreign nations.

20 **SEC. 183. CONFIDENTIALITY.**

21 (a) **IN GENERAL.**—All collection, maintenance, use,
22 and wide dissemination of data by the Institute, including
23 each office, board, committee, and center of the Institute,
24 shall conform with the requirements of section 552a of
25 title 5, United States Code, the confidentiality standards

1 of subsection (c) of this section, and sections 444 and 445
2 of the General Education Provisions Act (20 U.S.C.
3 1232g, 1232h).

4 (b) STUDENT INFORMATION.—The Director shall en-
5 sure that all individually identifiable information about
6 students, their academic achievements, their families, and
7 information with respect to individual schools, shall re-
8 main confidential in accordance with section 552a of title
9 5, United States Code, the confidentiality standards of
10 subsection (c) of this section, and sections 444 and 445
11 of the General Education Provisions Act (20 U.S.C.
12 1232g, 1232h).

13 **SEC. 184. AVAILABILITY OF DATA.**

14 Subject to section 183, data collected by the Insti-
15 tute, including any office, board, committee, or center of
16 the Institute, in carrying out the priorities and mission
17 of the Institute, shall be made available to the public, in-
18 cluding through use of the Internet.

19 **SEC. 185. PERFORMANCE MANAGEMENT.**

20 The Director shall ensure that all activities conducted
21 or supported by the Institute or a National Education
22 Center make customer service a priority. The Director
23 shall ensure a high level of customer satisfaction through
24 the following methods:

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

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

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

13 (4) Establishing and measuring performance
14 against a set of indicators for the quality of data
15 collected, analyzed, and reported.

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

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

20 **SEC. 186. AUTHORITY TO PUBLISH.**

21 (a) PUBLICATION.—The Director may prepare and
22 publish (including through oral presentation) such re-
23 search, statistics (consistent with part C), and evaluation
24 information and reports from any office, board, com-
25 mittee, and center of the Institute, as needed to carry out

1 the priorities and mission of the Institute without the ap-
2 proval of the Secretary or any other office of the Depart-
3 ment.

4 (b) ADVANCE COPIES.—The Director shall provide
5 the Secretary and other relevant offices with an advance
6 copy of any information to be published under this section
7 before publication.

8 (c) PEER REVIEW.—All research, statistics, and eval-
9 uation reports conducted by, or supported through, the In-
10 stitute shall be subjected to rigorous peer review before
11 being published or otherwise made available to the public.

12 (d) ITEMS NOT COVERED.—Nothing in subsections
13 (a), (b), or (c) shall be construed to apply to—

14 (1) information on current or proposed budgets,
15 appropriations, or legislation;

16 (2) information prohibited from disclosure by
17 law or the Constitution, classified national security
18 information, or information described in section
19 552(b) of title 5, United States Code; and

20 (3) review by officers of the United States in
21 order to prevent the unauthorized disclosure of in-
22 formation described in paragraph (1) or (2).

23 **SEC. 187. VACANCIES.**

24 Any member appointed to fill a vacancy on the Board
25 occurring before the expiration of the term for which the

1 member's predecessor was appointed shall be appointed
2 only for the remainder of that term. A vacancy in an of-
3 fice, board, committee, or center of the Institute shall be
4 filled in the manner in which the original appointment was
5 made. This section does not apply to employees appointed
6 under section 188.

7 **SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.**

8 (a) IN GENERAL.—The Director may appoint, for
9 terms not to exceed 6 years (without regard to the provi-
10 sions of title 5, United States Code, governing appoint-
11 ment in the competitive service) and may compensate
12 (without regard to the provisions of chapter 51 and sub-
13 chapter III of chapter 53 of such title relating to classi-
14 fication and General Schedule pay rates) such scientific
15 or technical employees to carry out the functions of the
16 Institute or the office, board, committee, or center, respec-
17 tively, if—

18 (1) at least 30 days prior to the appointment
19 of any such employee, public notice is given of the
20 availability of such position and an opportunity is
21 provided for qualified individuals to apply and com-
22 pete for such position;

23 (2) the rate of basic pay for such employees
24 does not exceed the maximum rate of basic pay pay-
25 able for positions at GS-15, as determined in ac-

1 cordance with section 5376 of title 5, United States
2 Code, except that not more than 7 individuals ap-
3 pointed under this section may be paid at a rate
4 that does not exceed the rate of basic pay for level
5 III of the Executive Schedule;

6 (3) the appointment of such employee is nec-
7 essary (as determined by the Director on the basis
8 of clear and convincing evidence) to provide the In-
9 stitute or the office, board, committee, or center
10 with scientific or technical expertise which could not
11 otherwise be obtained by the Institute or the office,
12 board, committee, or center through the competitive
13 service; and

14 (4) the total number of such employees does not
15 exceed 40 individuals or $\frac{1}{5}$ of the number of full-
16 time, regular scientific or professional employees of
17 the Institute, whichever is greater.

18 (b) DUTIES OF EMPLOYEES.—All employees de-
19 scribed in subsection (a) shall work on activities of the
20 Institute or the office, board, committee, or center, and
21 shall not be reassigned to other duties outside the Insti-
22 tute or the office, board, committee, or center during their
23 term.

1 **SEC. 189. FELLOWSHIPS.**

2 In order to strengthen the national capacity to carry
3 out high-quality research, evaluation, and statistics related
4 to education, the Director shall establish and maintain re-
5 search, evaluation, and statistics fellowships in institutions
6 of higher education (which may include the establishment
7 of such fellowships in historically Black colleges and uni-
8 versities and other institutions of higher education with
9 large numbers of minority students) that support graduate
10 and postdoctoral study onsite at the Institute or at the
11 institution of higher education. In establishing the fellow-
12 ships, the Director shall ensure that women and minorities
13 are actively recruited for participation.

14 **SEC. 190. VOLUNTARY SERVICE.**

15 The Director may accept voluntary and uncompen-
16 sated services to carry out and support activities that are
17 consistent with the priorities and mission of the Institute.

18 **SEC. 191. RULEMAKING.**

19 Notwithstanding section 437(d) of the General Edu-
20 cation Provisions Act (20 U.S.C. 1232(d)), the exemption
21 for public property, loans, grants, and benefits in section
22 553(a)(2) of title 5, United States Code, shall apply to
23 the Institute.

1 **SEC. 192. COPYRIGHT.**

2 Nothing in this Act shall be construed to affect the
3 rights, remedies, limitations, or defense under title 17,
4 United States Code.

5 **SEC. 193. REMOVAL.**

6 (a) **PRESIDENTIAL.**—The Director, the Commis-
7 sioner for Education Statistics, and each member of the
8 Board may be removed by the President prior to the expi-
9 ration of the term of each such appointee.

10 (b) **DIRECTOR.**—Each Commissioner appointed by
11 the Director pursuant to section 117 may be removed by
12 the Director prior to the expiration of the term of each
13 such Commissioner.

14 **SEC. 194. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) **IN GENERAL.**—There are authorized to be appro-
16 priated to administer and carry out this title (except sec-
17 tion 174) \$400,000,000 for fiscal year 2003 and such
18 sums as may be necessary for each of the 5 succeeding
19 fiscal years, of which—

20 (1) not less than the amount provided to the
21 National Center for Education Statistics (as such
22 Center was in existence on the day before the date
23 of enactment of this Act) for fiscal year 2002 shall
24 be provided to the National Center for Education
25 Statistics, as authorized under part C; and

1 (2) not more than the lesser of 2 percent of
 2 such funds or \$1,000,000 shall be made available to
 3 carry out section 116 (relating to the National
 4 Board for Education Sciences).

5 (b) REGIONAL EDUCATIONAL LABORATORIES.—
 6 There are authorized to be appropriated to carry out sec-
 7 tion 174 \$100,000,000 for fiscal year 2003 and such sums
 8 as may be necessary for each of the 5 succeeding fiscal
 9 years. Of the amounts appropriated under the preceding
 10 sentence for a fiscal year, the Director shall obligate not
 11 less than 25 percent to carry out such purpose with re-
 12 spect to rural areas (including schools funded by the Bu-
 13 reau which are located in rural areas).

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

16 **TITLE II—EDUCATIONAL**
 17 **TECHNICAL ASSISTANCE**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Educational Technical
 20 Assistance Act of 2002”.

21 **SEC. 202. DEFINITIONS.**

22 In this title:

23 (1) IN GENERAL.—The terms “local educational
 24 agency” and “State educational agency” have the
 25 meanings given those terms in section 9101 of the

1 Elementary and Secondary Education Act of 1965
2 (20 U.S.C. 7801).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Education.

5 **SEC. 203. COMPREHENSIVE CENTERS.**

6 (a) AUTHORIZATION.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 beginning in fiscal year 2004, the Secretary is au-
9 thorized to award not less than 20 grants to local
10 entities, or consortia of such entities, with dem-
11 onstrated expertise in providing technical assistance
12 and professional development in reading, mathe-
13 matics, science, and technology, especially to low-
14 performing schools and districts, to establish com-
15 prehensive centers.

16 (2) REGIONS.—In awarding grants under para-
17 graph (1), the Secretary—

18 (A) shall ensure that not less than 1 com-
19 prehensive center is established in each of the
20 10 geographic regions served by the regional
21 educational laboratories established under sec-
22 tion 941(h) of the Educational Research, Devel-
23 opment, Dissemination, and Improvement Act
24 of 1994 (as such provision existed on the day
25 before the date of enactment of this Act); and

1 (B) after meeting the requirements of sub-
2 paragraph (A), shall consider, in awarding the
3 remainder of the grants, the school-age popu-
4 lation, proportion of economically disadvantaged
5 students, the increased cost burdens of service
6 delivery in areas of sparse population, and the
7 number of schools identified for school improve-
8 ment (as described in section 1116(b) of the El-
9 ementary and Secondary Education Act of 1965
10 (20 U.S.C. 6316(b)) in the population served by
11 the local entity or consortium of such entities.

12 (b) ELIGIBLE APPLICANTS.—

13 (1) IN GENERAL.—Grants under this section
14 may be made with research organizations, institu-
15 tions, agencies, institutions of higher education, or
16 partnerships among such entities, or individuals,
17 with the demonstrated ability or capacity to carry
18 out the activities described in subsection (f), includ-
19 ing regional entities that carried out activities under
20 the Educational Research, Development, Dissemina-
21 tion, and Improvement Act of 1994 (as such Act ex-
22 isted on the day before the date of enactment of this
23 Act) and title XIII of the Elementary and Secondary
24 Education Act of 1965 (as such title existed on the

1 day before the date of enactment of the No Child
2 Left Behind Act of 2001 (Public Law 107–110)).

3 (2) OUTREACH.—In conducting competitions
4 for grants under this section, the Secretary shall ac-
5 tively encourage potential applicants to compete for
6 such awards by making widely available information
7 and technical assistance relating to the competition.

8 (3) OBJECTIVES AND INDICATORS.—Before
9 awarding a grant under this section, the Secretary
10 shall design specific objectives and measurable indi-
11 cators, using the results of the assessment conducted
12 under section 206, to be used to assess the par-
13 ticular programs or initiatives, and ongoing progress
14 and performance, of the regional entities, in order to
15 ensure that the educational needs of the region are
16 being met and that the latest and best research and
17 proven practices are being carried out as part of
18 school improvement efforts.

19 (c) APPLICATION.—

20 (1) SUBMISSION.—Each local entity, or consor-
21 tium of such entities, seeking a grant under this sec-
22 tion shall submit an application at such time, in
23 such manner, and containing such additional infor-
24 mation as the Secretary may reasonably require.

1 (2) PLAN.—Each application submitted under
2 paragraph (1) shall contain a 5-year plan for car-
3 rying out the activities described in this section in
4 a manner that addresses the priorities established
5 under section 207 and addresses the needs of all
6 States (and to the extent practicable, of local edu-
7 cational agencies) within the region to be served by
8 the comprehensive center, on an ongoing basis.

9 (d) ALLOCATION.—Each comprehensive center estab-
10 lished under this section shall allocate such center’s re-
11 sources to and within each State in a manner which re-
12 flects the need for assistance, taking into account such
13 factors as the proportion of economically disadvantaged
14 students, the increased cost burden of service delivery in
15 areas of sparse populations, and any special initiatives
16 being undertaken by State, intermediate, local educational
17 agencies, or Bureau-funded schools, as appropriate, which
18 may require special assistance from the center.

19 (e) SCOPE OF WORK.—Each comprehensive center
20 established under this section shall work with State edu-
21 cational agencies, local educational agencies, regional edu-
22 cational agencies, and schools in the region where such
23 center is located on school improvement activities that
24 take into account factors such as the proportion of eco-

1 nomically disadvantaged students in the region, and give
2 priority to—

3 (1) schools in the region with high percentages
4 or numbers of students from low-income families, as
5 determined under section 1113(a)(5) of the Elemen-
6 tary and Secondary Education Act of 1965 (20
7 U.S.C. 6313(a)(5)), including such schools in rural
8 and urban areas, and schools receiving assistance
9 under title I of that Act (20 U.S.C. 6301 et seq.);

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

17 (3) schools in the region that have been identi-
18 fied for school improvement under section 1116(b)
19 of the Elementary and Secondary Education Act of
20 1965 (20 U.S.C. 6316(b)).

21 (f) ACTIVITIES.—

22 (1) IN GENERAL.—A comprehensive center es-
23 tablished under this section shall support dissemina-
24 tion and technical assistance activities by—

1 (A) providing training, professional devel-
2 opment, and technical assistance regarding, at
3 a minimum—

4 (i) the administration and implemen-
5 tation of programs under the Elementary
6 and Secondary Education Act of 1965 (20
7 U.S.C. 6301 et seq.);

8 (ii) the use of scientifically valid
9 teaching methods and assessment tools for
10 use by teachers and administrators in, at
11 a minimum—

12 (I) the core academic subjects of
13 mathematics, science, and reading or
14 language arts;

15 (II) English language acquisition;

16 and

17 (III) education technology; and

18 (iii) the facilitation of communication
19 between education experts, school officials,
20 teachers, parents, and librarians, as appro-
21 priate; and

22 (B) disseminating and providing informa-
23 tion, reports, and publications that are usable
24 for improving academic achievement, closing
25 achievement gaps, and encouraging and sus-

1 taining school improvement (as described in
2 section 1116(b) of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C.
4 6316(b))), to schools, educators, parents, and
5 policymakers within the region in which the
6 center is located; and

7 (C) developing teacher and school leader
8 inservice and preservice training models that il-
9 lustrate best practices in the use of technology
10 in different content areas.

11 (2) COORDINATION AND COLLABORATION.—

12 Each comprehensive center established under this
13 section shall coordinate its activities, collaborate,
14 and regularly exchange information with the regional
15 educational laboratory in the region in which the
16 center is located, the National Center for Education
17 Evaluation and Regional Assistance, the Office of
18 the Secretary, the State service agency, and other
19 technical assistance providers in the region.

20 (g) COMPREHENSIVE CENTER ADVISORY BOARD.—

21 (1) ESTABLISHMENT.—Each comprehensive
22 center established under this section shall have an
23 advisory board that shall support the priorities of
24 such center.

1 (2) DUTIES.—Each advisory board established
2 under paragraph (1) shall advise the comprehensive
3 center—

4 (A) concerning the activities described in
5 subsection (d);

6 (B) on strategies for monitoring and ad-
7 dressing the educational needs of the region, on
8 an ongoing basis;

9 (C) on maintaining a high standard of
10 quality in the performance of the center’s ac-
11 tivities; and

12 (D) on carrying out the center’s duties in
13 a manner that promotes progress toward im-
14 proving student academic achievement.

15 (3) COMPOSITION.—

16 (A) IN GENERAL.—Each advisory board
17 shall be composed of—

18 (i) the chief State school officers, or
19 such officers’ designees or other State offi-
20 cials, in each State served by the com-
21 prehensive center who have primary re-
22 sponsibility under State law for elementary
23 and secondary education in the State; and

24 (ii) not more than 15 other members
25 who are representative of the educational

1 interests in the region served by the com-
2 prehensive center and are selected jointly
3 by the officials specified in clause (i) and
4 the chief executive officer of each State
5 served by the comprehensive center, includ-
6 ing the following:

7 (I) Representatives of local edu-
8 cational agencies and regional edu-
9 cational agencies, including represent-
10 atives of local educational agencies
11 serving urban and rural areas.

12 (II) Representatives of institu-
13 tions of higher education.

14 (III) Parents.

15 (IV) Practicing educators, includ-
16 ing classroom teachers, principals,
17 and administrators.

18 (V) Representatives of business.

19 (VI) Policymakers, expert practi-
20 tioners, and researchers with knowl-
21 edge of, and experience using, the re-
22 sults of research, evaluation, and sta-
23 tistics.

24 (B) SPECIAL RULE.—In the case of a
25 State in which the chief executive officer has

1 the primary responsibility under State law for
2 elementary and secondary education in the
3 State, the chief executive officer shall consult,
4 to the extent permitted by State law, with the
5 State educational agency in selecting additional
6 members of the board under subparagraph
7 (A)(i).

8 (h) REPORT TO SECRETARY.—Each comprehensive
9 center established under this section shall submit to the
10 Secretary an annual report, at such time, in such manner,
11 and containing such information as the Secretary may re-
12 quire, which shall include the following:

13 (1) A summary of the comprehensive center's
14 activities during the preceding year

15 (2) A listing of the States, local educational
16 agencies, and schools the comprehensive center as-
17 sisted during the preceding year.

18 **SEC. 204. EVALUATIONS.**

19 The Secretary shall provide for ongoing independent
20 evaluations by the National Center for Education Evalua-
21 tion and Regional Assistance of the comprehensive centers
22 receiving assistance under this title, the results of which
23 shall be transmitted to the appropriate congressional com-
24 mittees and the Director of the Institute of Education
25 Sciences. Such evaluations shall include an analysis of the

1 services provided under this title, the extent to which each
2 of the comprehensive centers meets the objectives of its
3 respective plan, and whether such services meet the edu-
4 cational needs of State educational agencies, local edu-
5 cational agencies, and schools in the region.

6 **SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.**

7 The Secretary shall continue awards for the support
8 of the Eisenhower Regional Mathematics and Science
9 Education Consortia established under part M of the Edu-
10 cational Research, Development, Dissemination, and Im-
11 provement Act of 1994 (as such part existed on the day
12 before the date of enactment of this Act), the Regional
13 Technology in Education Consortia under section 3141 of
14 the Elementary and Secondary Education Act of 1965 (as
15 such section existed on the day before the date of enact-
16 ment of the No Child Left Behind Act of 2001 (Public
17 Law 107–110)), and the Comprehensive Regional Assist-
18 ance Centers established under part K of the Educational
19 Research, Development, Dissemination, and Improvement
20 Act of 1994 (as such part existed on the day before the
21 date of enactment of this Act), in accordance with the
22 terms of such awards, until the comprehensive centers au-
23 thorized under section 203 are established.

1 **SEC. 206. REGIONAL ADVISORY COMMITTEES.**

2 (a) ESTABLISHMENT.—Beginning in 2004, the Sec-
3 retary shall establish a regional advisory committee for
4 each region described in section 174(b) of the Education
5 Sciences Reform Act of 2002.

6 (b) MEMBERSHIP.—

7 (1) COMPOSITION.—The membership of each
8 regional advisory committee shall—

9 (A) not exceed 25 members;

10 (B) contain a balanced representation of
11 States in the region; and

12 (C) include not more than one representa-
13 tive of each State educational agency geographi-
14 cally located in the region.

15 (2) ELIGIBILITY.—The membership of each re-
16 gional advisory committee may include the following:

17 (A) Representatives of local educational
18 agencies, including rural and urban local edu-
19 cational agencies.

20 (B) Representatives of institutions of high-
21 er education, including individuals representing
22 university-based education research and univer-
23 sity-based research on subjects other than edu-
24 cation.

25 (C) Parents.

1 (D) Practicing educators, including class-
2 room teachers, principals, administrators,
3 school board members, and other local school
4 officials.

5 (E) Representatives of business.

6 (F) Researchers.

7 (3) RECOMMENDATIONS.—In choosing individ-
8 uals for membership on a regional advisory com-
9 mittee, the Secretary shall consult with, and solicit
10 recommendations from, the chief executive officers of
11 States, chief State school officers, and education
12 stakeholders within the applicable region.

13 (4) SPECIAL RULE.—

14 (A) TOTAL NUMBER.—The total number of
15 members on each committee who are selected
16 under subparagraphs (A), (C), and (D) of para-
17 graph (2), collectively, shall exceed the total
18 number of members who are selected under
19 paragraph (1)(C) and subparagraphs (B), (E),
20 and (F) of paragraph (2), collectively.

21 (B) DISSOLUTION.—Each regional advi-
22 sory committee shall be dissolved by the Sec-
23 retary after submission of such committee's re-
24 port described in subsection (c)(2) to the Sec-

1 retary, but each such committee may be recon-
2 vened at the discretion of the Secretary.

3 (c) DUTIES.—Each regional advisory committee shall
4 advise the Secretary on the following:

5 (1) An educational needs assessment of its re-
6 gion (using the results of the assessment conducted
7 under subsection (d)), in order to assist in making
8 decisions regarding the regional educational prior-
9 ities.

10 (2) Not later than 6 months after the com-
11 mittee is first convened, a report based on the as-
12 sessment conducted under subsection (d).

13 (d) REGIONAL ASSESSMENTS.—Each regional advi-
14 sory committee shall—

15 (1) assess the educational needs within the re-
16 gion to be served;

17 (2) in conducting the assessment under para-
18 graph (1), seek input from chief executive officers of
19 States, chief State school officers, educators, and
20 parents (including through a process of open hear-
21 ings to solicit the views and needs of schools (includ-
22 ing public charter schools), teachers, administrators,
23 members of the regional educational laboratory gov-
24 erning board, parents, local educational agencies, li-
25 brarians, businesses, State educational agencies, and

1 other customers (such as adult education programs)
2 within the region) regarding the need for the activi-
3 ties described in section 174 of the Education
4 Sciences Reform Act of 2002 and section 203 of this
5 title and how those needs would be most effectively
6 addressed; and

7 (3) submit the assessment to the Secretary and
8 to the Director of the Academy of Education
9 Sciences, at such time, in such manner, and con-
10 taining such information as the Secretary may re-
11 quire.

12 **SEC. 207. PRIORITIES.**

13 The Secretary shall establish priorities for the re-
14 gional educational laboratories (established under section
15 174 of the Education Sciences Reform Act of 2002) and
16 comprehensive centers (established under section 203 of
17 this title) to address, taking onto account the regional as-
18 sessments conducted under section 206 and other relevant
19 regional surveys of educational needs, to the extent the
20 Secretary deems appropriate.

21 **SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITU-**
22 **DINAL DATA SYSTEMS.**

23 (a) GRANTS AUTHORIZED.—The Secretary is author-
24 ized to award grants, on a competitive basis, to State edu-
25 cational agencies to enable such agencies to design, de-

1 velop, and implement statewide, longitudinal data systems
2 to efficiently and accurately manage, analyze,
3 disaggregate, and use individual student data, consistent
4 with the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 6301 et seq.).

6 (b) APPLICATIONS.—Each State educational agency
7 desiring a grant under this section shall submit an appli-
8 cation to the Secretary at such time, in such manner, and
9 accompanied by such information as the Secretary may
10 reasonably require.

11 (c) AWARDING OF GRANTS.—In awarding grants
12 under this section, the Secretary shall use a peer review
13 process that—

14 (1) ensures technical quality (including validity
15 and reliability), promotes linkages across States, and
16 protects student privacy consistent with section 183;

17 (2) promotes the generation and accurate and
18 timely use of data that is needed—

19 (A) for States and local educational agen-
20 cies to comply with the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C. 6301
22 et seq.) and other reporting requirements and
23 close achievement gaps; and

1 (B) to facilitate research to improve stu-
2 dent academic achievement and close achieve-
3 ment gaps; and

4 (3) gives priority to applications that meet the
5 voluntary standards and guidelines described in sec-
6 tion 153(a)(5).

7 (d) SUPPLEMENT NOT SUPPLANT.—Funds made
8 available under this section shall be used to supplement,
9 and not supplant, other State or local funds used for de-
10 veloping State data systems.

11 (e) REPORT.—Not later than 1 year after the date
12 of enactment of the Educational Technical Assistance Act
13 of 2002, and again 3 years after such date of enactment,
14 the Secretary, in consultation with the National Acad-
15 emies Committee on National Statistics, shall make pub-
16 licly available a report on the implementation and effec-
17 tiveness of Federal, State, and local efforts related to the
18 goals of this section, including—

19 (1) identifying and analyzing State practices re-
20 garding the development and use of statewide, longi-
21 tudinal data systems;

22 (2) evaluating the ability of such systems to
23 manage individual student data consistent with the
24 Elementary and Secondary Education Act of 1965
25 (20 U.S.C. 6301 et seq.), promote linkages across

1 States, and protect student privacy consistent with
2 section 183; and

3 (3) identifying best practices and areas for im-
4 provement.

5 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out
7 this title \$80,000,000 for fiscal year 2003 and such sums
8 as may be necessary for each of the 5 succeeding fiscal
9 years.

10 **TITLE III—NATIONAL ASSESS-**
11 **MENT OF EDUCATIONAL**
12 **PROGRESS**

13 **SEC. 301. SHORT TITLE.**

14 This title may be referred to as the “National Assess-
15 ment of Educational Progress Authorization Act”.

16 **SEC. 302. DEFINITIONS.**

17 In this title:

18 (1) The term “Director” means the Director of
19 the Institute of Education Sciences.

20 (2) The term “State” means each of the 50
21 States, the District of Columbia, and the Common-
22 wealth of Puerto Rico.

23 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There are authorized to be
25 appropriated—

1 (1) for fiscal year 2003—

2 (A) \$4,600,000 to carry out section 302,
3 as amended by section 401 of this Act (relating
4 to the National Assessment Governing Board);
5 and

6 (B) \$107,500,000 to carry out section 303,
7 as amended by section 401 of this Act (relating
8 to the National Assessment of Educational
9 Progress); and

10 (2) such sums as may be necessary for each of
11 the 5 succeeding fiscal years to carry out sections
12 302 and 303, as amended by section 401 of this Act.

13 (b) AVAILABILITY.—Amounts made available under
14 this section shall remain available until expended.

15 **TITLE IV—AMENDATORY**
16 **PROVISIONS**

17 **SEC. 401. REDESIGNATIONS.**

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

21 (1) by striking “center”, “Center”, and “Com-
22 missioner” each place any such term appears and in-
23 serting “Director”;

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

3
4 (3) by striking subsection (b)(1) and inserting
5 the following:

6 “(1) IN GENERAL.—

7 “(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and
8 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
9 of the Institute to disclose individually identifiable information that has been collected or retained under this title.
10
11
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15

16 “(B) IMMUNITY.—Individually identifiable
17 information collected or retained under this title
18 shall be immune from legal process and shall
19 not, without the consent of the individual concerned, be admitted as evidence or used for any
20 purpose in any action, suit, or other judicial or
21 administrative proceeding.
22

23 “(C) APPLICATION.—This paragraph does
24 not apply to requests for individually identifiable

1 able information submitted by or on behalf of
2 the individual identified in the information.”;

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

6 (5) in paragraphs (3) and (7) of subsection (b),
7 by striking “Center’s” each place such term appears
8 and inserting “Director’s”; and

9 (6) by striking the section heading and trans-
10 ferring all the subsections (including subsections (a)
11 through (e)) and redesignating such subsections as
12 subsections (c) through (e), respectively, at the end
13 of section 183 of this Act.

14 (b) CONFORMING AMENDMENT.—Sections 302 and
15 303 of this Act are redesignated as sections 304 and 305,
16 respectively.

17 (c) NATIONAL ASSESSMENT GOVERNING BOARD.—
18 Section 412 of the National Education Statistics Act of
19 1994 (20 U.S.C. 9011) is amended—

20 (1) in subsection (a)—

21 (A) by striking “referred to as the
22 ‘Board’ ” and inserting “referred to as the ‘As-
23 sessment Board’ ”; and

24 (B) by inserting “(carried out under sec-
25 tion 303)” after “for the National Assessment”;

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

4 (3) by striking “Commissioner” each place such
5 term appears and inserting “Commissioner for Edu-
6 cation Statistics”;

7 (4) in subsection (b)(2)—

8 (A) by striking “ASSISTANT SECRETARY
9 FOR EDUCATIONAL RESEARCH” in the heading
10 and inserting “DIRECTOR OF THE INSTITUTE
11 OF EDUCATION SCIENCES”; and

12 (B) by striking “Assistant Secretary for
13 Educational Research and Improvement” and
14 inserting “Director of the Institute of Edu-
15 cation Sciences”;

16 (5) in subsection (e)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A), by striking
19 “section 411(b)” and inserting “section
20 303(b)”;

21 (ii) in subparagraph (B), by striking
22 “section 411(e)” and inserting “section
23 303(e)”;

1 (iii) in subparagraph (E), by striking
2 “, including the Advisory Council estab-
3 lished under section 407”;

4 (iv) in subparagraphs (F) and (I), by
5 striking “section 411” each place such
6 term appears and inserting “section 303”;

7 (v) in subparagraph (H), by striking
8 “and” after the semicolon;

9 (vi) in subparagraph (I), by striking
10 the period at the end and inserting “;
11 and”; and

12 (vii) by inserting at the end the fol-
13 lowing:

14 “(J) plan and execute the initial public re-
15 lease of National Assessment of Educational
16 Progress reports.

17 The National Assessment of Educational Progress
18 data shall not be released prior to the release of the
19 reports described in subparagraph (J).”;

20 (B) in paragraph (5), by striking “and the
21 Advisory Council on Education Statistics”; and

22 (C) in paragraph (6), by striking “section
23 411(e)” and inserting “section 303(e)”; and

1 (6) by transferring and redesignating the sec-
2 tion as section 302 (following section 301) of title
3 III of this Act.

4 (d) NATIONAL ASSESSMENT OF EDUCATIONAL
5 PROGRESS.—Section 411 of the National Education Sta-
6 tistics Act of 1994 (20 U.S.C. 9010) is amended—

7 (1) by striking “Commissioner” each place such
8 term appears and inserting “Commissioner for Edu-
9 cation Statistics”;

10 (2) by striking “National Assessment Governing
11 Board” and “National Board” each place either
12 such term appears and inserting “Assessment
13 Board”;

14 (3) in subsection (a)—

15 (A) by striking “section 412” and insert-
16 ing “section 302”; and

17 (B) by striking “and with the technical as-
18 sistance of the Advisory Council established
19 under section 407,”;

20 (4) in subsection (b)—

21 (A) in paragraph (1), by inserting “of”
22 after “academic achievement and reporting”;

23 (B) in paragraph (3)(A)—

1 (i) in clause (i), by striking “para-
2 graphs (1)(B) and (1)(E)” and inserting
3 “paragraphs (2)(B) and (2)(E)”;

4 (ii) in clause (ii), by striking “para-
5 graph (1)(C)” and inserting “paragraph
6 (2)(C)”; and

7 (iii) in clause (iii), by striking “para-
8 graph (1)(D)” and inserting “paragraph
9 (2)(D)”; and

10 (C) in paragraph (5), by striking “(c)(2)”
11 and inserting “(c)(3)”;

12 (5) in subsection (e)(2)(D), by striking “sub-
13 paragraph (B)” and inserting “subparagraph (C)”;

14 (6) in subsection (e)(4), by striking “subpara-
15 graph (2)(C)” and inserting “paragraph (2)(C) of
16 such subsection”;

17 (7) in subsection (f)(1)(B)(iv), by striking “sec-
18 tion 412(e)(4)” and inserting “section 302(e)(4)”;
19 and

20 (8) by transferring and redesignating the sec-
21 tion as section 303 (following section 302) of title
22 III of this Act.

23 (e) TABLE OF CONTENTS AMENDMENT.—The items
24 relating to title III in the table of contents of this Act,

1 as amended by section 401 of this Act, are amended to
 2 read as follows:

“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.”.

3 **SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**
 4 **ORGANIZATION ACT.**

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

7 (1) by striking section 202(b)(4) and inserting
 8 the following:

9 “(4) There shall be in the Department a Director of
 10 the Institute of Education Sciences who shall be appointed
 11 in accordance with section 114(a) of the Education
 12 Sciences Reform Act of 2002 and perform the duties de-
 13 scribed in that Act.”;

14 (2) by striking section 208 and inserting the
 15 following:

16 “INSTITUTE OF EDUCATION SCIENCES

17 “SEC. 208. There shall be in the Department of Edu-
 18 cation the Institute of Education Sciences, which shall be
 19 administered in accordance with the Education Sciences
 20 Reform Act of 2002 by the Director appointed under sec-
 21 tion 114(a) of that Act.”; and

1 (3) by striking the item relating to section 208
2 in the table of contents in section 1 and inserting
3 the following:

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

4 **SEC. 403. REPEALS.**

5 The following provisions of law are repealed:

6 (1) The National Education Statistics Act of
7 1994 (20 U.S.C. 9001 et seq.).

8 (2) Parts A through E and K through N of the
9 Educational Research, Development, Dissemination,
10 and Improvement Act of 1994 (title IX of the Goals
11 2000: Educate America Act) (20 U.S.C. 6001 et
12 seq.).

13 (3) Section 401(b)(2) of the Department of
14 Education Organization Act (20 U.S.C. 3461(b)(2)).

15 **SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.**

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

22 (b) TITLE 5, UNITED STATES CODE.—Section 5315
23 of title 5, United States Code, is amended by striking the
24 following:

1 “Commissioner, National Center for Education Sta-
2 tistics.”.

3 (c) GENERAL EDUCATION PROVISIONS ACT.—Sec-
4 tion 447(b) of the General Education Provisions Act (20
5 U.S.C. 1232j(b)) is amended by striking “section
6 404(a)(6) of the National Education Statistics Act of
7 1994 (20 U.S.C. 9003(a)(6))” and inserting “section
8 153(a)(6) of the Education Sciences Reform Act of 2002”.

9 (d) ELEMENTARY AND SECONDARY EDUCATION ACT
10 OF 1965.—The Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

12 (1) Section 1111(c)(2) is amended by striking
13 “section 411(b)(2) of the National Education Statis-
14 tics Act of 1994” and inserting “section 303(b)(2)
15 of the National Assessment of Educational Progress
16 Authorization Act”.

17 (2) Section 1112(b)(1)(F) is amended by strik-
18 ing “section 411(b)(2) of the National Education
19 Statistics Act of 1994” and inserting “section
20 303(b)(2) of the National Assessment of Edu-
21 cational Progress Authorization Act”.

22 (3) Section 1117(a)(3) is amended—

23 (A) by inserting “(as such section existed
24 on the day before the date of enactment of the

1 Education Sciences Reform Act of 2002)” after
2 “Act of 1994”; and

3 (B) by inserting “regional educational lab-
4 oratories established under part E of the Edu-
5 cation Sciences Reform Act of 2002 and com-
6 prehensive centers established under the Edu-
7 cational Technical Assistance Act of 2002 and”
8 after “assistance from”.

9 (4) Section 1501(a)(3) is amended by striking
10 “section 411 of the National Education Statistics
11 Act of 1994” and inserting “section 303 of the Na-
12 tional Assessment of Educational Progress Author-
13 ization Act”.

14 (5) The following provisions are each amended
15 by striking “Office of Educational Research and Im-
16 provement” and inserting “Institute of Education
17 Sciences”:

18 (A) Section 3222(a) (20 U.S.C. 6932(a)).

19 (B) Section 3303(1) (20 U.S.C. 7013(1)).

20 (C) Section 5464(e)(1) (20 U.S.C.
21 7253c(e)(1)).

22 (D) Paragraphs (1) and (2) of section
23 5615(d) (20 U.S.C. 7283d(d)).

24 (E) Paragraphs (1) and (2) of section
25 7131(c) (20 U.S.C. 7451(c)).

1 (6) Paragraphs (1) and (2) of section 5464(e)
2 (20 U.S.C. 7253c(e)) are each amended by striking
3 “such Office” and inserting “such Institute”.

4 (7) Section 5613 (20 U.S.C. 7283b) is
5 amended—

6 (A) in subsection (a)(5), by striking “As-
7 sistant Secretary of the Office of Educational
8 Research and Improvement” and inserting “Di-
9 rector of the Institute of Education Sciences”;
10 and

11 (B) in subsection (b)(2)(B), by striking
12 “research institutes of the Office of Educational
13 Research and Improvement” and inserting
14 “National Education Centers of the Institute of
15 Education Sciences”.

16 (8) Sections 5615(d)(1) and 7131(c)(1) (20
17 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended
18 by striking “by the Office” and inserting “by the In-
19 stitute”.

20 (9) Section 9529(b) is amended by striking
21 “section 404(a)(6) of the National Education Statis-
22 tics Act of 1994” and inserting “section 153(a)(5)
23 of the Education Sciences Reform Act of 2002”.

24 (e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF
25 1994.—Section 404 of the School-to-Work Opportunities

1 Act of 1994 (20 U.S.C. 6194) is amended by inserting
2 “(as such Act existed on the day before the date of enact-
3 ment of the Education Sciences Reform Act of 2002)”
4 after “Act of 1994”.

5 **SEC. 405. ORDERLY TRANSITION.**

6 The Secretary of Education shall take such steps as
7 are necessary to provide for the orderly transition to, and
8 implementation of, the offices, boards, committees, and
9 centers (and their various functions and responsibilities)
10 established or authorized by this Act, and by the amend-
11 ments made by this Act, from those established or author-
12 ized by the Educational Research, Development, Dissemi-
13 nation, and Improvement Act of 1994 (20 U.S.C. 6001
14 et seq.) and the National Education Statistics Act of 1994
15 (20 U.S.C. 9001 et seq.).

Passed the House of Representatives October 10,
2002.

Attest:

Clerk.