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## STRENGTHENING EDUCATION THROUGH RESEARCH ACT OF 2014

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NOVEMBER 17, 2014.—Ordered to be printed

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

### REPORT

[To accompany H.R. 4366]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (H.R. 4366) to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

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#### I. PURPOSE AND SUMMARY

The Senate concurs with the purpose as stated in H. Rept. 113-424.

#### II. BACKGROUND OF LEGISLATION

In 2002, Congress enacted the *Education Sciences Reform Act* (ESRA) (Public Law 107-279), which also included the *Educational*

*Technical Assistance Act* (ETAA) and the *National Assessment of Educational Progress Authorization Act* (NAEPAA), to improve Federal education research efforts, to strengthen the quality of technical assistance provided to States, and to carry out the National Assessment for Educational Progress (NAEP).

ESRA authorizes the Institute of Education Sciences (IES) as a semi-independent research entity in the U.S. Department of Education (the “Department”). IES contains four research centers, including the National Center for Education Research (NCER), the National Center for Education Statistics (NCES), the National Center for Education Evaluation and Regional Assistance (NCEE), and the National Center for Special Education Research (NCSE). NCER conducts large scale research on education issues. NCES collects and publishes educational statistics. NCEE supports research efforts and activities and conducts large scale evaluations of Federal education programs. Finally, NCSE conducts research on issues related to students with disabilities.

ETAA authorizes comprehensive centers within the Department to provide technical assistance to States and school districts related to implementation of Federal education laws and programs. ETAA also authorizes the Statewide Longitudinal Data Systems program to provide funding to States to improve their State education data systems, including appropriate privacy protections for student data within such systems.

NAEPAA authorizes policies and funding for the implementation of the NAEP and the National Assessment Governing Board (NAGB).

### III. LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

#### *Committee Consideration*

On September 17, 2014, the committee on Health, Education, Labor, and Pensions met in Executive Session to consider the *Strengthening Education through Research Act of 2014* (SETRA). Senators Harkin and Alexander offered an amendment as a complete substitute, and it was agreed to unanimously by all members present.

The Senate substitute to SETRA received support letters from the Knowledge Alliance; the Council of Chief State School Officers; Results for America; Alliance for Excellent Education; Education Northwest; Northwest Evaluation Association; SEDL; WestEd; Education Trust; the Data Quality Campaign; the Workforce Data Quality Campaign; the National Center for Learning Disabilities; Council for Exceptional Children; the Learning and Education Academic Research Network; Code.org; Collaborative for Academic, Social and Emotional Learning; Computing in the Core; the Higher Education Consortium for Special Education; RMC; CTAC; FHI360; SRI International; National Council of State Directors of Adult Education; Education Development Center; McREL; Measured Progress; and AdvanceED.

## IV. EXPLANATION OF LEGISLATION AND COMMITTEE VIEWS

## OVERVIEW

*The Strengthening Education through Research Act (SETRA)* would amend and reauthorize the *Education Sciences Reform Act of 2002* for fiscal years 2015 through 2020. This legislation makes a number of improvements to the IES, a semi-independent institute within the Department of Education (the “Department”) that conducts and oversees education research, the Statewide Longitudinal Data Systems program, the NAEP and the NAGB. The legislation:

- Requires IES to identify research topics focused on ensuring that all students have the ability to obtain a high-quality education, improving access to and the quality of early childhood education, strengthening elementary and secondary schools, and increasing access to and completion of postsecondary education.
- Makes education research more relevant and useful at the State and local levels.
- Directs the Department’s comprehensive centers, which provide technical assistance to States on Federal education laws and programs, to prioritize serving the needs of school districts and schools with higher numbers of low-income students and schools identified for improvement.
- Requires collaboration between the comprehensive centers and entities responsible for providing applied research, the regional educational laboratories, to States and school districts and clearly delineates the duties of each entity to ensure these efforts are streamlined, more aligned, and responsive to the needs of States and school districts.
- Allows States and school districts to access useful, relevant information more quickly to help raise student achievement levels in the classroom.
- Authorizes increases in the Federal investment in research and technical assistance in a fiscally responsible way, including providing a substantial increase in the authorization of funding for special education research.
- Improves accountability and protects the taxpayers’ research investment by requiring regular evaluations of research and education programs by independent entities.
- Strengthens privacy provisions to ensure that personally identifiable information collected by IES is secure and protected.
- Designates IES as the primary evaluation arm of the Department to ensure an independent source conducts Federal education program evaluations.
- Strengthens NAEP, commonly called the Nation’s Report card, which measures and reports student performance across the country, largely in reading and math, every two years.

## REGIONAL EDUCATIONAL LABORATORIES AND COMPREHENSIVE CENTERS

The Committee on Health, Education, Labor, and Pensions (hereinafter “The committee”) agrees with the intent of H.R. 4366 as passed by the House of Representatives to foster more collaboration between the regional educational laboratories (RELs) located in IES and the comprehensive centers located in the Office of Elemen-

tary and Secondary Education at the Department. The committee agrees with the House of Representatives language to clearly delineate and streamline the duties of each entity to ensure no overlap or duplication of activities. However, the committee struck the provisions in Section 206 of H.R. 4366 related to the reforms of the regional advisory committees in order to meet the intent for more collaboration. The committee heard from community stakeholders that collaboration could be developed between the RELs and comprehensive centers without requiring them all to report to regional advisory committees. Therefore, the Senate substitute to H.R. 4366 inserts provisions to require stronger collaboration between the RELs and comprehensive centers, including by requiring members of each entity's advisory boards to sit on the other entity's advisory boards. The bill also enables each REL and comprehensive center to have its own advisory board if they so choose, but ensures that information about the work of each entity is broadly shared with other entities.

Additionally, the committee is concerned with the House of Representatives language that would cap the number of RELs and comprehensive centers authorized under law. Instead of capping the number of each entity, the committee agreed to authorize 10 RELs and 17 comprehensive centers. This is a change (and overall reduction) from current law which authorizes 10 RELs and no less than 20 comprehensive centers. In addition, the reauthorization gives the IES Evaluation and Regional Assistance Commissioner (the Evaluation Commissioner) authority to fund a lower number of RELs, or reorganize them, in consultation with the REL advisory boards. The Evaluation Commissioner will be able to take such an action if he or she determines that an insufficient number of RELs are meeting the needs of their regions, an insufficient number are meeting their performance indicators, or an insufficient number of eligible applicants have the capacity to meet those indicators. The committee intends that the Evaluation Commissioner take this step only if the conditions set forth in the statute relating to reducing or reorganizing the RELs are met. The committee believes that the existing framework—a network of 10 RELs serving 10 distinct regions—should not be disrupted unless there are persistent problems or a clear shortage of eligible applicants that have the ability to operate a REL effectively.

Similarly, the reauthorization gives the Secretary of Education (Secretary) authority to fund a lower number of comprehensive centers beyond the overall reduction of the centers in the bill, or reorganize them, in consultation with the comprehensive center advisory boards. The Secretary will be able to take such an action only if he or she determines that an insufficient number of comprehensive centers are meeting the needs of their regions, an insufficient number are meeting their performance indicators, or an insufficient number of eligible applicants have the capacity to meet those indicators. The committee intends that the Secretary take this step only if the conditions set forth in the statute relating to reducing or reorganizing the centers are met. The committee believes that 17 comprehensive centers should not be disrupted unless there are persistent problems or a clear shortage of eligible applicants that have the ability to operate a comprehensive center effectively.

PROMOTING INDEPENDENCE AT IES AND THE NATIONAL CENTER FOR  
EDUCATION STATISTICS

The House Committee on Education and the Workforce noted that a goal of H.R. 4366 is to ensure that the IES and the research centers within IES can maintain their independence from politics and bias. The committee shares this goal and agrees with provisions in H.R. 4366 which designate IES as the primary entity responsible for conducting research on, and evaluations of, Federal education programs administered by the Department. This will help ensure objectivity and quality in evaluating the taxpayer investments in Federal programs.

The committee also chose to preserve much of what the House had suggested in determining the appointment of the heads of the research centers, including language that would make the appointment of the Commissioner of the National Center for Education Statistics (NCES) a decision made by the IES Director rather than the President. This will help align the governance of NCES with all the other IES research centers to create a coherent governance structure at IES overall, as well as protect the NCES Commissioner position from political influence. It would also mirror the governance structure of two similar statistical agencies—the National Center for Health Statistics and the National Center for Science and Engineering Statistics—which do not have Presidentially appointed directors. However, given the vital role of the NCES and its historical importance within the Department as the main entity charged with gathering and producing education statistics, the committee feels that NCES should maintain a degree of autonomy different from that of the other research centers within IES. To that end, the committee changed a provision in H.R. 4366 from requiring the IES Director’s approval of the NCES Commissioner’s plan for NCES activities to a provision that requires the NCES Commissioner to consult with the IES Director in the formulation of the plan. Rather than requiring the NCES Commissioner to have his or her Statistics Center plan approved by the IES Director, this change provides the NCES Commissioner with the needed flexibility and independence to marshal the resources and energies of the center in the direction and manner he or she sees fit.

PRIORITIZING SERVICES FOR LOW-INCOME STUDENTS

The committee agrees with the provisions of H.R. 4366, as passed by the House of Representatives, to make education research more timely and relevant to States and school districts. The research and technical assistance provided by entities funded under this Act is critical to ongoing education improvement efforts around the Nation. Given the historical role of the Federal Government in improving education programs for low-income students, the committee added a provision in section 203 to ensure that comprehensive center grantees prioritize and serve schools identified for improvement and schools and school districts with a high percentage or number of low-income students. This prioritization will help to ensure that the schools and school districts most in need of the technical assistance provided by comprehensive centers receive it.

## PROVIDING SERVICES TO THE BUREAU OF INDIAN EDUCATION

American Indian, Alaska Native, and Native Hawaiian students face unique educational obstacles and often have lower high school graduation rates and other educational outcomes than their peers. The committee believes a concerted effort must be made to improve educational services for American Indian, Alaska Native, and Native Hawaiian students. As such, the committee inserted a provision in section 203 to enable the Secretary to make arrangements as necessary, within the requirements of the overall structure of the comprehensive centers, to ensure that the Bureau of Indian Education and States or school districts serving large numbers of American Indian, Alaska Native, or Native Hawaiian students have access to the services of comprehensive centers.

## PROTECTING STUDENT AND INDIVIDUAL PRIVACY

The committee agrees with provisions of H.R. 4366, as passed by the House of Representatives, that protect individual student data and ensure that individually identifiable data should only be available to those that have a need to use the data. SETRA provides for extensive protection of individually identifiable information, consistent with current privacy laws, particularly with regard to data collections at NCES. The bill reauthorizes stringent penalties for any person who discloses or publishes data for other than statistical purposes or violates the *Family Educational Rights and Privacy Act* (FERPA) and other relevant Federal privacy laws. H.R. 4366 continues prohibitions around a national data base of individually identifiable information. It also aligns prohibition language with similar language in the *Elementary and Secondary Education Act*, denying Federal officials the ability to mandate, direct, or control State and local curriculum, programs of instruction, specific academic achievement or content standards or assessments, or allocation of State or local resources. Last, the bill makes changes to cooperative education statistics partnerships established under the bill, which assist States in improving data quality standards by ensuring they are voluntary, and will continue to not collect any student data.

## CLARIFYING POLICIES RELATED TO THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AND THE NATIONAL ASSESSMENT GOVERNING BOARD

As one of its duties, NAGB is responsible for overseeing and setting policy for NAEP. NAEP has long been regarded as a trusted, non-biased source on how well the Nation's schools are educating students and raising performance levels. The committee agrees with provisions in H.R. 4366 that make some small changes related to NAEP. The bill clarifies NAGB's role in selecting the subjects and setting the schedule for NAEP, in line with current law requirements, as well as providing input on annual budget requests for NAEP. The committee also agrees with provisions that clarify NAGB is responsible for the initial release of the NAEP reports, and NCES is responsible for the content of initial and subsequent NAEP reports to ensure such reports are valid and reliable. The committee intends the changes to the NAEP sections of H.R. 4366 to align the legislation to match 25 years of practice, and provide

accuracy and clarity around the roles of NCES and NAGB with regards to NAEP and NAEP reports.

#### NEW ADDITIONS

The committee made several new additions to H.R. 4366 to address areas of importance to the committee. For example, the committee included language making clear that IES peer reviewers of special education research must have an understanding of special education. Furthermore, the committee included a provision to ensure that research around early education focuses on improving access to early childhood education in addition to improving quality. The committee also added provisions to ensure Federal education research also focuses on adult education and literacy, where appropriate.

The committee made additional changes to the National Center for Education Research (NCER) in addition to what was included in the House-passed legislation. First, the committee included language to allow for the Center to perform research on the acquisition of skills and competencies that will allow students to think critically, solve complex problems, and communicate effectively. This new authority was included in recognition of the importance of higher-order learning in the development of well-rounded students. Second, the committee made changes to allow the NCER Commissioner to disaggregate data based on other student characteristics as determined by the Commissioner in addition to the required categories of age, race, gender, disability, English learner status, and socio-economic background. Evidence suggests that certain students may be at risk for disproportionate rates of discipline in school, and providing this authority to the Commissioner would allow him or her to disaggregate data further, as warranted by the evidence, so long as any reported information does not reveal individually identifiable information.

#### MODERNIZING STATEWIDE LONGITUDINAL DATA SYSTEMS

The committee concurs with the views expressed by the House Committee on Education and the Workforce in H. Rept. 113-424 as it relates to modernizing the Statewide Longitudinal Data Systems program. The committee specifically notes that SETRA allows grantees to align statewide longitudinal data systems from early education through postsecondary education and the workforce, so long as such alignment is consistent with privacy protections within the bill. In promoting alignment between early learning and K-12 education through this program, the committee urges the Department to seek applications from States that work to connect early education data to K-12 systems from multiple sources, such as early education data held by State educational agencies and, where applicable, early education data as described in the *Head Start Act*, 42 U.S.C. 9837b(1)(D)(i)(IV). In addition, the committee urges the Department to work closely with grantees to ensure the privacy of personally identifiable data included in these systems, including helping them meet the requirements of the FERPA and other relevant Federal privacy laws.

## DENIAL AUTHORITY

H.R. 4366 includes a provision to ensure NCES is authorized to deny access to data if it believes the data is unnecessary for, or unrelated to, the proposed research design or intent, or if providing access to the information would introduce a risk of privacy violation. The committee added additional clarifying language to ensure that the denial authority granted to NCES only apply to non-public use data sets.

## V. COST ESTIMATE

Pending response from CBO.

## VI. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1, the Congressional Accountability Act, requires a description of the application of this bill to the legislative branch. H.R. 4366 reauthorizes the *Education Sciences Reform Act* and does not amend any act that applies to the legislative branch.

## VII. REGULATORY IMPACT STATEMENT

Pursuant to the Requirements of paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the committee has determined that the bill will not have a significant regulatory impact.

## VIII. SECTION-BY-SECTION ANALYSIS

*Section 1—Short title*

States the short title of the bill as the *Strengthening Education through Research Act*.

*Section 2—Table of contents*

Lists the Table of Contents of the bill.

*Section 3—Nonduplication*

In collecting and reporting information under this Act, this section directs the Secretary to not duplicate other requirements and use information and data from existing Federal, State, and local sources, in order to reduce burden and cost to the Department of Education, States, and local educational agencies.

## TITLE I—EDUCATION SCIENCES REFORM

*Section 101—References*

References the *Education Sciences Reform Act of 2002*.

*Section 102—Definitions*

Amends Section 102 (20 U.S.C. 9501) by making changes to the definitions of “Bureau,” “dissemination,” “scientifically based research standards,” and “scientifically valid research.” Removes the definition of “Historically Black College or University” and adds definitions of “minority-serving institution,” “principles of scientific research,” “school leader,” and “adult education and literacy activities.”

Part A—The Institute of Education Sciences

*Section 111—Establishment*

Amends Section 111 (20 U.S.C. 9511) to ensure the mission of IES includes providing leadership on the understanding of adult education, in addition to early childhood, K–12, and postsecondary education. This mission should also include dissemination and utilization activities consistent with section 114(j). Clarifies all IES activities are free from disability bias, among other things.

*Section 112—Functions*

Amends Section 112 (20 U.S.C. 9512) to include evaluations of impact and implementation, make dissemination and utilization activities consistent with section 114(j), and specify dissemination of scientifically valid education evaluations.

*Section 113—Delegation*

Amends Section 113 (20 U.S.C. 9513) to delete subsection (a)(1), allow the Director to accept requests from the Secretary at his or her discretion for other activities of IES, and require consultation with the Director regarding contract acquisition and performance management.

*Section 114—Office of the Director*

Amends Section 114 (20 U.S.C. 9514) to grant an extension period of 1 year to the Director’s term in the event of a failure to find a successor; allow for reappointment of the Director for an additional term; clarify the recommendations the National Board for Education Sciences (Board) may make to the President with respect to the appointment of a Director; and clarify the responsibilities of the Director in coordinating IES research activities with public and private entities. The section also ensures IES work is disseminated and utilized by the Department of Education’s technical assistance providers and dissemination networks; centralizes the IES peer review process (including maintaining a peer review process wherein special education research is reviewed by those with an understanding of special education); and ensures the relevance, dissemination, and utilization of all IES research.

*Section 115—Priorities*

Amends Section 115 (20 U.S.C. 9515) to clarify the priorities of IES and clarifies that the Director will propose priorities to the Board at least once every 6 years. The priorities will include ensuring all students have access to a high-quality education, clarifying a focus on closing the achievement gap between students with disabilities and students without disabilities. The priorities will also include improving the access to and quality of early childhood education, improving K–12 education, and improving access to, and opportunities for, and completion of, postsecondary education and adult education.

*Section 116—National Board for Education Sciences*

Amends Section 116 (20 U.S.C. 9516) to clarify the Board’s responsibilities in providing input on IES activities, improving coordination with public and private entities, conducting evaluations of

IES and the research centers, and in ensuring relevance and dissemination of IES activities. Clarifies who may give advice regarding Board appointments; ensures two practitioners are on the Board; allows State leaders in adult education to be on the Board; clarifies term limitations of the Board and Executive Director; ensures independence of the Board; allows for flexibility in Board organization into smaller subcommittees; and requires the Board to make available every 5 years, with interim results available after 3 years, a report by an independent entity that assesses the effectiveness of IES.

*Section 117—Commissioners of the National Education Centers*

Amends Section 117 (20 U.S.C. 9517) to clarify appointment of the Commissioners of all the research centers, stating the Statistics Center Commissioner is appointed by the Director.

*Section 118—Transparency*

Amends Section 119 (20 U.S.C. 9519) to require transparent reporting of all IES awards over \$100,000.

*Section 120—Competitive awards*

Amends Section 120 (20 U.S.C. 9520) to make awarding competitive grants, contracts, and cooperative agreements consistent with Section 114(h).

Part B—National Center for Education Research

*Section 131—Establishment*

Amends Section 131(b) (20 U.S.C. 9531(b)) to advance the priorities described in section 115 and disseminate all research of the Research Center, consistent with section 114(j).

*Section 132—Duties*

Amends Section 133 (20 U.S.C. 9533) to clarify the duties of the Commissioner for Education Research.

*Section 133—Standards for conduct and evaluation of research*

Amends Section 134 (20 U.S.C. 9534) to specify the use of scientifically valid research standards within the Research Center and to ensure dissemination and utilization activities are consistent with Section 114(j).

Part C—National Center for Education Statistics

*Section 151—Establishment*

Amends Section 151(b) (20 U.S.C. 9541(b)) to ensure privacy protection in all reports and that such reports are disseminated consistent with section 114(j).

*Section 152—Duties*

Amends Section 153 (20 U.S.C. 9543) to ensure privacy protection across all Statistics Center work, amends the duties of the Statistics Commissioner, and updates the statistical data that the Statistics Center shall collect to include information on graduation rate, career and technical education, school climate, teaching and

school leadership, and adult education, among other topics. Removes the House bill requirement that the NCES Commissioner submit his/her plan for the Statistics Center to the IES Director for approval. Instead, the NCES Commissioner has to consult with the IES Director when developing his/her plan for the agency, but does not need approval.

*Section 153—Performance of duties*

Amends Section 154 (20 U.S.C. 9544) to require applications from entities that wish to receive a grant, or enter into a contract or cooperative agreement under this section.

*Section 154—Reports*

Amends Section 155 (20 U.S.C. 9545) to ensure all reports are reviewed consistent with peer review requirements in Section 114(h).

*Section 155—Dissemination*

Amends Section 156 (20 U.S.C. 9546) to ensure adherence to student privacy requirements in all joint statistical projects and clarify who may access data housed by the Statistics Center. Provides NCES with the ability to deny access to non-public use data if the data requested would be unnecessary for, or unrelated to, the proposed research design or intent, or if request would introduce a risk of a privacy violation or misuse of data.

*Section 156—Cooperative education statistics systems*

Amends Section 157 (20 U.S.C. 9547) to clarify cooperative education statistics partnerships allow for voluntary partnerships aimed at creating data quality standards and to ensure such partnerships do not collect data or create a national student data system.

Part D—National Center for Education Evaluation and Regional Assistance

*Section 171—Establishment*

Amends Section 171 (20 U.S.C. 9561) to allow for evaluation of implementation of Federal education programs and to make dissemination activities consistent with section 114(j).

*Section 172—Commissioner for education evaluation and regional assistance*

Amends Section 172 (20 U.S.C. 9562) to require wide dissemination of all Evaluation Center research and statistics consistent with Section 114(j), especially of those items that relate to the priorities listed in Section 115. Also requires applications from entities that wish to receive a grant, or enter into a contract or cooperative agreement under this section.

*Section 173—Evaluations*

Amends Section 173 (20 U.S.C. 9563) to require high-quality evaluations, including impact evaluations, consistent with the Center's mission, list other evaluation activities that the Center may support, and require dissemination of each evaluation conducted by the Center.

*Section 174—Regional educational laboratories for research, development, dissemination, and technical assistance*

Amends Section 174 (20 U.S.C. 9564) to maintain the regional educational laboratories program at 10 awards (subject to reduction if the Evaluation and Regional Assistance Commissioner, in consultation with the regional education laboratory advisory boards, determines that a fewer number of awards, or a new structure of awards, is more appropriate); change the list of entities with whom the Evaluation and Regional Assistance Commissioner may enter into grants, contracts, or cooperative agreements; maintain the allowance of regional educational laboratory advisory boards, but makes them optional; specify the requirements all eligible applicants must adhere to; stipulate the activities of each regional educational laboratory; dictate how new awards must be made; amend the annual report each awardee must submit; and require an appropriation reservation for the regional educational laboratory program. Also requires interim and summative evaluations of each regional educational laboratory.

Part E—National Center for Special Education Research

*Section 175—Establishment*

Amends Section 175(b) (20 U.S.C. 9567(b)) to update the mission of the National Center for Special Education Research to promote quality and integrity with respect to special education research and scientifically valid research findings in special education.

*Section 176—Commissioner for Special Education Research*

Amends Section 176 (20 U.S.C. 9567a) to include youth with disabilities in the list of the Special Education Research Commissioner’s required subjects of expertise.

*Section 177—Duties*

Amends Section 177 (20 U.S.C. 9567b) to expand the duties of the Special Education Research Commissioner.

Part F—General Provisions

*Section 182—Prohibitions*

Updates Section 182 (20 U.S.C. 9572) to align current law prohibitions with *Elementary and Secondary Education Act* prohibitions prohibiting the Federal Government from mandating, directing, or controlling specific academic achievement and content standards or assessments within a State, local educational agency, or school, or from using funds to endorse, approve, or sanction any curriculum to be used in early education, K–12 schools, or an institution of higher education.

*Section 183—Confidentiality*

Amends Section 183 (20 U.S.C. 9573) to allow for identification of specific schools in IES publications so long as no individually identifiable information is disclosed. Also clarifies volunteers at IES or those who provide uncompensated services are subject to punishment for privacy violations.

*Section 184—Availability of data*

Amends Section 184 (20 U.S.C. 9574) to broaden the dissemination of IES data through electronic means.

*Section 185—Performance management*

Amends Section 185 (20 U.S.C. 9575) to require the Director to improve the performance management system governing all IES activities, to include developing measurable performance indicators to evaluate and improve activities, and to establish formal feedback mechanisms to meet stakeholder needs.

*Section 186—Authority to publish*

Amends Section 186(b) (20 U.S.C. 9576(b)) to clarify the Director must provide the Secretary and other relevant offices with an advance copy of publications under this section before their public release.

*Section 187—Repeals*

Repeals Sections 187 (20 U.S.C. 9577) and 193 (20 U.S.C. 9583).

*Section 188—Fellowships*

Amends Section 189 (20 U.S.C. 9579) to specify fellowships established under this section within institutions of higher education, including minority-serving institutions, must relate to education and the mission of each national education center.

*Section 189—Authorization of appropriations*

Amends Section 194 (20 U.S.C. 9584) regarding the authorization of appropriations for this title.

## TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

*Section 201—References*

References the *Educational Technical Assistance Act of 2002*.

*Section 202—Definitions*

Amends Section 202 (20 U.S.C. 9601) to define “school leader.”

*Section 203—Comprehensive Centers*

Amends Section 203 (20 U.S.C. 9602) to reduce the current number of comprehensive centers to 17 (subject to further reduction if the Secretary of Education, in consultation with the comprehensive center advisory boards, determines that a fewer number of centers, or new structure of centers, is more appropriate); maintain the allowance of comprehensive center advisory boards, but makes them optional; clarify the regions each center shall serve; change the list of entities with whom the Secretary may enter into grants, contracts, or cooperative agreements; authorize the Secretary to make necessary arrangements to ensure the Bureau of Indian Education and States and school districts serving high numbers or percentages of American Indian, Alaska Native, or Native Hawaiian students have access to services, subject to the overall requirements of the comprehensive centers; specify the requirements all eligible applicants must adhere to, including the responsiveness to regional needs of each center and how the applicant will prioritize and serve

schools and school districts with a high percentage or number of low-income students; stipulate the activities of each comprehensive center; dictate how new awards must be made; and amend the annual report each award must submit.

*Section 204—Evaluations*

Amends Section 204 (20 U.S.C. 9603) to require interim and summative evaluations of each comprehensive center.

*Section 205—Existing technical assistance providers*

Repeals Section 205 (20 U.S.C. 9604).

*Section 206—Regional Advisory Committees*

Repeals Section 206 (20 U.S.C. 9605).

*Section 207—Priorities*

Amends Section 207 (20 U.S.C. 9606) to require the Secretary and Director to establish priorities for regional educational laboratories and comprehensive centers using the relevant results of national and regional surveys of educational needs.

*Section 208—Grant program for statewide longitudinal data systems*

Amends Section 208 (20 U.S.C. 9607) to require data systems to be consistent with requirements of the *Elementary and Secondary Education Act*, *Higher Education Act*, and the *Individuals with Disabilities Education Act*; allow for subgranting of funds to local educational agencies; add a performance management system for data systems; require systems align early education through post-secondary education and the workforce data, consistent with privacy protections; prioritize applications that demonstrate capacity to share teacher and school leader data with local educational agencies and teacher and school leader preparation programs; and require reports on the implementation and effectiveness of the activities carried out under the grants in this section.

*Section 209—Authorization of appropriations*

Amends Section 209 (20 U.S.C. 9608) regarding the authorization of appropriations for this title.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

*Section 301—References*

References the *National Assessment of Educational Progress Authorization Act*.

*Section 302—National Assessment Governing Board*

Amends Section 302 (20 U.S.C. 9621) to clarify that the National Assessment Governing Board oversees and sets policies for the National Assessment of Educational Progress in line with its duties; specify school leaders as members of the Assessment Board; clarify how vacancies on the Assessment Board are filled; and expand and clarify the duties of the Assessment Board.

*Section 303—National Assessment of Educational Progress*

Amends Section 303 (20 U.S.C. 9622) to clarify the role of the Commissioner for Education Statistics with regard to the National Assessment of Educational Progress and dictate the Commissioner is responsible for the content of initial and subsequent National Assessment of Educational Progress reports to ensure validity and reliability. Requires schools to participate in the National Assessment of Educational Progress as required by the *Elementary and Secondary Education Act* and clarifies the national consensus approach in setting achievement levels for the test.

*Section 304—Definitions*

Amends Section 304 (20 U.S.C. 9623) to define “elementary school,” “secondary school,” and “school leader.”

*Section 305—Authorization of appropriations*

Amends Section 305(a) (20 U.S.C. 9624(a)) regarding the authorization of appropriations for this title.

TITLE IV—EVALUATION PLAN

*Section 401—Research and evaluation*

States the IES shall be the primary entity for conducting research on, and evaluations of, Federal education programs within the Department of Education to ensure the rigor and independence of such research and evaluation. Details authority for reservation and consolidation of funds to carry out high-quality evaluations of programs authorized under the *Elementary and Secondary Education Act*. Specifies requirements related to the development of a biennial evaluation plan, including how all programs under the *Elementary and Secondary Education Act* will be regularly evaluated, and requires the dissemination of evaluation findings.

IX. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

\* \* \* \* \*

**Public Law 107-279**

**Act of November 5, 2002**

\* \* \* \* \*

**SECTION 1. TABLE OF CONTENTS.**

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- Sec. 405. Orderly transition.
- Sec. 406. Impact aid.

\* \* \* \* \*

SEC. 2. NONDUPLICATION.

*In collecting information and data under this Act, including requiring the reporting of information and data, the Secretary of Education shall, to the extent appropriate, not duplicate other requirements and shall use information and data that are available from existing Federal, State, and local sources, in order to reduce burden and cost to the Department of Education, States, local educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), and other entities.*

\* \* \* \* \*

**Education Sciences Reform Act of 2002**

\* \* \* \* \*

SEC. 102. DEFINITIONS.

In this title:

- (1) IN GENERAL.—\* \* \*
- (2) ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.—*The terms “adult education” and “adult education and literacy activities” have the meanings given the terms in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).*
- (2)(3) APPLIED RESEARCH.—\* \* \*
  - (A) \* \* \*
- (3)(4) BASIC RESEARCH.—The term “basic research” means research.—
  - (A) \* \* \*
- (4)(5) \* \* \*
- (5)(6) BUREAU.—The term “Bureau” means the Bureau of Indian **[Affairs]***Education.*
- (6)(7) \* \* \*
- (7)(8) \* \* \*
- (8)(9) \* \* \*
- (9)(10) \* \* \*
- (10)(11) DISSEMINATION.—The term “dissemination” means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, *or other information, in a timely manner and* in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, *school leaders, ad-*

ministrators, librarians, other practitioners, researchers, parents, policymakers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11)(12) EARLY CHILDHOOD EDUCATOR.—\* \* \*

[(13) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).]

(13) ENGLISH LEARNER.—*The term “English learner” means an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832).*

(12)(14) FIELD-INITIATED RESEARCH.—The term “field-initiated research” means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers, *school leaders*, and other practitioners) and that conforms to standards of scientifically valid research.

(14)(15) \* \* \*

(15)(16) \* \* \*

(17) MINORITY-SERVING INSTITUTION.—*The term “minority-serving institution” means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).*

(16)(18) NATIONAL RESEARCH AND DEVELOPMENT CENTER.—The term “national research and development center” means a research and development center supported under [section 133(c)]section 133(d).

(19) PRINCIPLES OF SCIENTIFIC RESEARCH.—*The term “principles of scientific research” means principles of research that—*

(A) *apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;*

(B) *present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and*

(C) *include, appropriate to the research being conducted—*

(i) *use of systematic, empirical methods that draw on observation or experiment;*

(ii) *use of data analyses that are adequate to support the general findings;*

(iii) *reliance on measurements or observational methods that provide reliable and generalizable findings;*

(iv) *strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;*

(v) *presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;*

(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

(17)(20) PROVIDER OF EARLY CHILDHOOD SERVICES.—\* \* \*  
(A) \* \* \*

\* \* \* \* \*

(21) SCHOOL LEADER.—The term “school leader” means a principal, assistant principal, or other individual who is—

(A) an employee or officer of—

(i) an elementary school or secondary school;

(ii) a local educational agency serving an elementary school or secondary school; or

(iii) another entity operating the elementary school or secondary school; and

(B) responsible for the daily instructional leadership and managerial operations of the elementary school or secondary school.

[(18) SCIENTIFICALLY BASED RESEARCH STANDARDS.—(A) The term “scientifically based research standards” means research standards that—

[(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

[(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

[(B) The term includes, appropriate to the research being conducted—

[(i) employing systematic, empirical methods that draw on observation or experiment;

[(ii) involving data analyses that are adequate to support the general findings;

[(iii) relying on measurements or observational methods that provide reliable data;

[(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

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

[(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

[(vii) using research designs and methods appropriate to the research question posed.]

(19)(22) SCIENTIFICALLY VALID EDUCATION EVALUATION.—  
\* \* \*

(A) \* \* \*

\* \* \* \* \*

(20)(23) SCIENTIFICALLY VALID RESEARCH.—The term “scientifically valid research” includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with [scientifically based research standards]the principles of scientific research.

(21)(24) \* \* \*

(22)(25) \* \* \*

(23)(26) \* \* \*

(A) \* \* \*

\* \* \* \* \*

### PART A—THE INSTITUTE OF EDUCATION SCIENCES

#### SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—\* \* \*

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through post-secondary study, including adult education, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) \* \* \*

\* \* \* \* \*

(2) CARRYING OUT MISSION.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, [and wide dissemination activities]and, consistent with section 114(j), wide dissemination and utilization activities in areas of demonstrated national need [(including in technology areas)] that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) \* \* \*

(B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, disability, or regional bias.

\* \* \* \* \*

(c) Organization.—\* \* \*

(1) \* \* \*

\* \* \* \* \*

#### SEC. 112. FUNCTIONS.

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation (including

*evaluations of impact and implementation), development, and wide dissemination and utilization;*

(2) widely disseminate, *consistent with section 114(j)*, the findings and results of scientifically valid research in education and scientifically valid education evaluations carried out under this title;

(3) \* \* \*

\* \* \* \* \*

**SEC. 113. DELEGATION.**

(a) DELEGATION OF AUTHORITY.— \* \* \*

[(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;]

[(2)](1) \* \* \*

[(3)](2) \* \* \*

[(4)](3) \* \* \*

[(5)](4) \* \* \*

\* \* \* \* \*

(b) OTHER ACTIVITIES.—The [Secretary may assign the Institute responsibility for administering] *Director may accept requests from the Secretary for the Institute to administer* other activities, if those activities are consistent with—

(1) \* \* \*

\* \* \* \* \*

(c) CONTRACT ACQUISITION.—*With respect to any contract entered into under this title, the Director shall be consulted—*

(1) *during the procurement process; and*

(2) *in the management of such contract's performance, which shall be consistent with the requirements of the performance management system described in section 185.*

\* \* \* \* \*

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

(a) APPOINTMENT.—[Except as provided in subsection (b)(2), the] *The* President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director, *except that if a successor to the Director has not been appointed as of the date of expiration of the Director's term, the Director may serve for an additional 1-year period, beginning on the day after the date of expiration of the Director's term, or until a successor has been appointed under subsection (a), whichever occurs first.*

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

(2) REAPPOINTMENT.—*A Director may be reappointed under subsection (a) for one additional term.*

(3) [SUBSEQUENT DIRECTORS] RECOMMENDATIONS.—The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a) [other than a Director appointed under paragraph (2)].

\* \* \* \* \*  
 (f) DUTIES.—\* \* \*

(1) \* \* \*

\* \* \* \* \*  
 (3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government, *and, as appropriate, with such research and activities carried out by public and private entities, to avoid duplicative or overlapping efforts.*

(4) To advise the Secretary on research, evaluation, and statistics activities, *and the use of evidence* relevant to the activities of the Department.

(5) To establish *and maintain* necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3) *and subsection (h).*

(6) \* \* \*  
 (7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, *disability* or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities of the Institute, including [historically Black colleges or universities] *minority-serving institutions* or other institutions of higher education with large numbers of minority students.

[(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.]

(9) *To coordinate with the Secretary to ensure that the results of the Institute's work are coordinated with, and utilized by, the Department's technical assistance providers and dissemination networks.*

[(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.]

[(11) To coordinate the wide dissemination of information on scientifically valid research.]

[(12)](10) \* \* \*  
 (g) EXPERT GUIDANCE AND ASSISTANCE.—\* \* \*

(h) *PEER-REVIEW SYSTEM.*—The Director shall establish and maintain a peer-review system involving highly qualified individuals, including practitioners, as appropriate, with an in-depth knowledge of the subject to be investigated, including, in the case of special education research, an understanding of special education, for—

(1) reviewing and evaluating each application for a grant or cooperative agreement under this title that exceeds \$100,000; and

(2) evaluating and assessing all reports and other products that exceed \$100,000 to be published and publicly released by the Institute.

[(h)](i) *REVIEW.*—The Director may, when requested by other officers of the Department, and shall, when directed by the Secretary, review [the products and] publications of other offices of the Department to [certify that evidence-based claims about those products and] determine whether evidence-based claims in those publications are scientifically valid.

(j) *RELEVANCE, DISSEMINATION, AND UTILIZATION.*—To ensure all activities authorized under this title are rigorous, relevant, and useful for researchers, policymakers, practitioners, and the public, the Director shall—

(1) ensure such activities address significant challenges faced by practitioners, and increase knowledge in the field of education;

(2) ensure that the information, products, and publications of the Institute are—

(A) prepared and widely disseminated—

(i) in a timely fashion; and

(ii) in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice; and

(B) widely disseminated through electronic transfer, and other means, such as posting to the Institute's website or other relevant place;

(3) promote the utilization of the information, products, and publications of the Institute, including through the use of dissemination networks and technical assistance providers, within the Institute and the Department; and

(4) monitor and manage the performance of all activities authorized under this title in accordance with section 185.

\* \* \* \* \*

#### SEC. 115. PRIORITIES.

(a) *PROPOSAL.*—The Director shall propose to the Board priorities for the Institute [(taking into consideration long-term research and development on core issues conducted through the national research and development centers)] at least once every 6 years. The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), [such as] including—

(1) *ensuring that all students have the ability to obtain a high-quality education, particularly closing the achievement gap between high-performing and [low-performing children]low-performing students, [especially achievement gaps between] minority and [nonminority children]nonminority students, students with disabilities and students without disabilities, [and between disadvantaged children and such children's]and disadvantaged students and such students' more advantaged peers; [and]*

[(2) ensuring—

[(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

[(B) access to, and opportunities for, postsecondary education; and

[(C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.]

(2) *improving access to and the quality of early childhood education;*

(3) *improving education in elementary schools and secondary schools, particularly among low-performing students and schools; and*

(4) *improving access to, opportunities for, and completion of postsecondary education and adult education.*

\* \* \* \* \*

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including [by means of the Internet]by electronic means such as posting in an easily accessible manner on the Institute's website and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) PLAN.—\* \* \*

\* \* \* \* \*

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

(a) ESTABLISHMENT.—\* \* \*

(b) DUTIES.—\* \* \*

(1) \* \* \*

(2) To consider and approve priorities proposed by the Director under section 115 [to guide the work of the Institute], and to advise, and provide input to, the Director on the activities of the Institute on an ongoing basis.

(3) To review and approve procedures under section 114(h) for technical and scientific peer review of the activities of the Institute.

(4) \* \* \*

\* \* \* \* \*

(8) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, *disability*, or regional bias.

(9) **【To solicit】***To ensure all activities of the Institute are relevant to education policy and practice by soliciting, on an ongoing basis, advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, 【consistent with】*consistent with section 114(j) and the priorities and mission of the Institute.

(10) \* \* \*

(11) To recommend to the Director ways to enhance *the Institute's* strategic partnerships and collaborative efforts **【among other Federal and State research agencies】***with public and private entities to improve the work of the Institute.*

(12) \* \* \*

(13) *To conduct the evaluations required under subsection (d).*

(c) COMPOSITION.—

(1) VOTING MEMBERS.—\* \* \*

(2) ADVICE.—The President shall solicit advice regarding individuals to serve on the Board from the *Board*, National Academy of Sciences, the National Science Board, **【and the National Science Advisor】***the National Science Advisor, and other entities and organizations that have knowledge of individuals who are highly qualified to appraise education research, statistics, evaluations, or development.*

(3) NONVOTING EX OFFICIO MEMBERS.—\* \* \*

(A) \* \* \*

\* \* \* \* \*

(4) APPOINTED MEMBERSHIP.—

(A) QUALIFICATIONS.—\* \* \*

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences**【, which may include those researchers recommended by the National Academy of Sciences】**.

(ii) *Not fewer than 2 practitioners who are knowledgeable about the education needs of the United States, who may include school-based professional educators, teachers, school leaders, local educational agency superintendents, and members of local boards of education or Bureau-funded school boards.*

**【(ii)】(iii)** Individuals who are knowledgeable about the educational needs of the United States, who may include **【school-based professional educators,】** parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, *State leaders in adult education*, presidents of institutions of higher education, **【local educational agency superintendents,】** early childhood experts, **【principals,】** members of State **【or local】** boards of

education [or Bureau-funded school boards], and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, *beginning on the date of appointment of the member*, except that—

[(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

- [(I) 4 years for each of 5 members;
- [(II) 3 years for each of 5 members; and
- [(III) 2 years for each of 5 members; and]

[(ii)(i) no member appointed under such paragraph shall serve for more than 2 consecutive terms[.]; and

*(ii) in a case in which a successor to a member has not been appointed as of the date of expiration of the member's term, the member may serve for an additional 1-year period, beginning on the day after the date of expiration of the member's term, or until a successor has been appointed under paragraph (1), whichever occurs first.*

[(C) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.]

[(D)](C) \* \* \*

\* \* \* \* \*

(8) POWERS OF THE BOARD.—

(A) *IN GENERAL.—In the exercise of its duties under subsection (b) and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Board shall be independent of the Director and the other offices and officers of the Institute.*

[(A)](B) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board for a term of not more than 6 years, and who may be reappointed by the Board for 1 additional term of not more than 6 years.

[(B)](C) \* \* \*

[(C)](D) \* \* \*

[(D)](E) \* \* \*

[(E)](F) \* \* \*

(G) SUBCOMMITTEES.—*The Board may establish standing or temporary subcommittees to make recommendations to the Board for carrying out activities authorized under this title.*

(9) MEETINGS.—\* \* \*

\* \* \* \* \*

[(d) STANDING COMMITTEES.—

[(1) ESTABLISHMENT.—The Board may establish standing committees—

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

[(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

[(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

[(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

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

[(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

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

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

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

[(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

[(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.]

[(e)](d) [ANNUAL]EVALUATION REPORT.—[The Board]

(1) *IN GENERAL.*—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, [not later than July 1 of each year, a report]and make widely available to the public (including by electronic means such as posting in an easily accessible manner on the Institute's website), a report once every 5 years that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(2) *REQUIREMENTS.*—An evaluation report described in paragraph (1) shall include—

(A) subject to paragraph (3), an evaluation of the activities authorized for each of the National Education Centers, which—

(i) uses the performance management system described in section 185; and

(ii) is conducted by an independent entity;

(B) a review of the Institute to ensure its work, consistent with the requirements of section 114(j), is timely, rigorous, and relevant;

(C) any recommendations regarding actions that may be taken to enhance the ability of the Institute and the National Education Centers to carry out their priorities and missions;

(D) a summary of the major research findings of the Institute and the activities carried out under section 113(b) during the 3 preceding fiscal years; and

(E) interim findings made widely available to the public (including by electronic means such as posting in an easily accessible manner on the Institute's website) 3 years after the independent entity has begun reviewing the work of the Institute.

(3) NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.—With respect to the National Center for Education Evaluation and Regional Assistance, an evaluation report described in paragraph (1) shall contain—

(A) an evaluation described in paragraph (2)(A) of the activities authorized for such Center, except for the regional educational laboratories established under section 174; and

(B) a summative or interim evaluation, whichever is most recent, for each such laboratory conducted under section 174(i) on or after the date of enactment of the Strengthening Education through Research Act or, in a case in which such an evaluation is not available for a laboratory, the most recent evaluation for the laboratory conducted prior to the date of enactment of such Act.

[(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.]

\* \* \* \* \*

#### SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT OF COMMISSIONERS.—

(1) IN GENERAL.—[Except as provided in subsection (b), each] Each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of

chapter 53 of such title relating to classification and General Schedule pay rates.

(2) PAY AND QUALIFICATIONS.—~~Except as provided in subsection (b), each~~ *Each* Commissioner shall—

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

(B) be highly qualified in the field of education research, *statistics*, or evaluation.

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

(A) \* \* \*

\* \* \* \* \*

**[(b) APPOINTMENT OF COMMISSIONER FOR EDUCATION STATISTICS.—**The National Center for Education Statistics shall be headed by a Commissioner for Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

**[(1)** have substantial knowledge of programs assisted by the National Center for Education Statistics;

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

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

**[(c)](b)** \* \* \*

**[(d)](c) SUPERVISION AND APPROVAL.—**Each Commissioner **[(**, except the Commissioner for Education Statistics, **)]** shall carry out such Commissioner’s duties under this title under the supervision and subject to the approval of the Director.

\* \* \* \* \*

**SEC. 118. AGREEMENTS.**

\* \* \*

**[SEC. 119. BIENNIAL REPORT.**

**[**The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

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

**[(2)** A summary of each grant, contract, and cooperative agreement in excess of \$100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.

**[(3)** A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.

[(4) Such additional comments, recommendations, and materials as the Director considers appropriate.]

**SEC. 119. TRANSPARENCY.**

*Not later than 120 days after awarding a grant, contract, or cooperative agreement under this title in excess of \$100,000, the Director shall make publicly available (including through electronic means such as posting in an easily accessible manner on the Institute’s website) a description of the grant, contract, or cooperative agreement, including, at a minimum, the amount, duration, recipient, and the purpose of the grant, contract, or cooperative agreement.*

\* \* \* \* \*

**SEC. 120. COMPETITIVE AWARDS.**

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, [when practicable] *consistent with section 114(h)*, through a process of peer review.

\* \* \* \* \*

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

**SEC. 131. ESTABLISHMENT.**

- (a) ESTABLISHMENT.—\* \* \*
- (b) MISSION.—\* \* \*

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

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

[(B) improve student academic achievement, including through the use of educational technology;

[(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and

[(D) improve access to, and opportunity for, postsecondary education;]

*(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, consistent with the priorities described in section 115;*

(2) \* \* \*

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

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning[.]; and

*(5) consistent with section 114(j), to widely disseminate and promote utilization of the work of the Research Center.*

\* \* \* \* \*

## SEC. 133. DUTIES.

(a) GENERAL DUTIES.—\* \* \*

(1) maintain published **peer-review standards and** standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with

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

**(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and**

**(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;**

**(3)(2) \* \* \***

**(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—**

**(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;**

**(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 134; and**

**(C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;**

**(5)(3) promote the use of scientifically valid research in the implementation of programs carried out by the Department and other agencies within the Federal Government, including active participation in interagency research projects described in section 118;**

**(6)(4) \* \* \***

**(7)(5) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, widely disseminate, consistent with section 114(j), the findings and results of education research conducted or supported by the Research Center;**

**(8)(6) assist the Director Board in the preparation of a biennial report, as described in section 119 and dissemination of each evaluation report under section 116(d);**

**(9)(7) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, and which may include research on social and emotional learning, and the acquisition of competencies and skills, including the ability to think critically, solve complex problems, evaluate evidence, and communicate effectively, as approved by the Director;**

**(8) to the extent time and resources allow, when findings from previous research under this part provoke relevant follow up questions, carry out research initiatives on such follow up questions;**

**(10)(9) carry out research initiatives regarding the impact of technology, including—**

**(A) research into how technology affects student achievement;**

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

【(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and

【(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding how these resources are being accessed, put to use, and the effectiveness of such resources; and】

*(9) carry out research initiatives, including rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research, regarding the impact of technology on education, including online education and hybrid learning;*

【(11)】*(10) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student achievement in, mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)【.1】; and*

*(11) to the extent feasible, carry out research on the quality of implementation of practices and strategies determined to be effective through scientifically valid research.*

【(b) ELIGIBILITY.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.】

*(b) PLAN.—The Research Commissioner shall propose to the Director and, subject to the approval of the Director, implement a research plan for the activities of the Research Center that—*

*(1) is consistent with the priorities and mission of the Institute and the mission of the Research Center described in section 131(b), and includes the activities described in subsection (a);*

*(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Research Center’s most recent evaluation report under section 116(d);*

*(3) describes how the Research Center will use the performance management system described in section 185 to assess and improve the activities of the Center;*

*(4) meets the procedures for peer review established and maintained by the Director under section 114(f)(5) and the standards of research described in section 134; and*

*(5) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives.*

*(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—*

*(1) IN GENERAL.—The Research Commissioner may award grants to, or enter into contracts or cooperative agreements with, eligible applicants to carry out research under subsection (a).*

(2) *ELIGIBILITY.*—For purposes of this subsection, the term “eligible applicant” means an applicant that has the ability and capacity to conduct scientifically valid research.

(3) *APPLICATIONS.*—

(A) *IN GENERAL.*—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Research Commissioner at such time, in such manner, and containing such information as the Research Commissioner may require.

(B) *CONTENT.*—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under the grant, contract, or cooperative agreement.

[(c)](d) *NATIONAL RESEARCH AND DEVELOPMENT CENTERS.*—

[(1) *SUPPORT.*—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.]

(1) *SUPPORT.*—In carrying out activities under subsection (a)(2), the Research Commissioner shall support national research and development centers that address topics of importance and relevance in the field of education across the country and are consistent with the Institute’s priorities under section 115.

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

[(A) Adult literacy.

[(B) Assessment, standards, and accountability research.

[(C) Early childhood development and education.

[(D) English language learners research.

[(E) Improving low achieving schools.

[(F) Innovation in education reform.

[(G) State and local policy.

[(H) Postsecondary education and training.

[(I) Rural education.

[(J) Teacher quality.

[(K) Reading and literacy.]

[(3) *DUTIES OF CENTERS.*—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research

Center. The research carried out by the centers shall incorporate the potential or existing role of educational technology, where appropriate, in achieving the goals of each center.】

【(4)】(2) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and 【notwithstanding section 134(b),】*notwithstanding section 114(h)*, may be renewed without competition for not more than 【5 additional】*2 additional* years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Institute; 【and】

(B) merits renewal (applying the procedures and standards established in section 134)【.】; *and*

(C) *demonstrates progress on the requirements of the performance management system described in section 185.*

【(5)】LIMIT.—No national research and development center may be supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.】

【(6)】(3) CONTINUATION OF AWARDS.—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with 【paragraphs (4) and (5)】*paragraph 2.*

【(7)】(4) DISAGGREGATION.—To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background【.】; *and*】

(4) *DISAGGREGATION.—To the extent feasible and when relevant to the research being conducted, research conducted under this subsection shall be disaggregated and cross-tabulated by age, race, gender, disability status, English learner status, socioeconomic background, and other population characteristics as determined by the Research Commissioner, so long as any reported information does not reveal individually identifiable information.*

\* \* \* \* \*

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

(a) IN GENERAL.—\* \* \*

(1) ensure that all research conducted under the direction of the Research Center follows scientifically 【based】*valid* research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, 【and wide dissemination activities】*and, consistent with section 114(j), wide dissemination and utilization activities* carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) \* \* \*

\* \* \* \* \*

[(b) PEER REVIEW.—

[(1) IN GENERAL.—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed \$100,000, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

[(2) EVALUATION.—The Research Commissioner shall—

[(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors (including, as applicable, the use of longitudinal data linking test scores, enrollment, and graduation rates over time) which shall be considered in making such evaluations; and

[(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.]

[(c)](b) \* \* \*

\* \* \* \* \*

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

**SEC. 151. ESTABLISHMENT.**

(a) \* \* \*

(b) MISSION.—\* \* \*

(1) \* \* \*

(2) to report education information and statistics in a timely manner *and consistent with the privacy protections under section 183*; and

(3) \* \* \*

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, *disability*, gender, or regional bias; and

[(B) is relevant and useful to practitioners, researchers, policymakers, and the public.]

(B) *is consistent with section 114(j), is relevant, timely, and widely disseminated.*

\* \* \* \* \*

**SEC. 153. DUTIES.**

(a) GENERAL DUTIES.—The Statistics Center shall, *consistent with the privacy protections under section 183*, collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) \* \* \*

(A) \* \* \*

\* \* \* \* \*

[(D) secondary school completions, dropouts, and adult literacy and reading skills;]

(D) *secondary school graduation and completion rates, including the four-year adjusted cohort graduation rate (as defined in section 200.19(b)(1)(i)(A) of title 34, Code of Fed-*

*eral Regulations, as such section was in effect on November 28, 2008) and the extended-year adjusted cohort graduation rate (as defined in section 200.19(b)(1)(v)(A) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008), and school dropout rates, and adult literacy;*

(E) access to, [and opportunity for,] *opportunity for, and completion of* postsecondary education, including data on financial aid to postsecondary students;

[(F) teaching, including—

[(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

[(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;]

(F) *teaching and school leadership, including information on teacher and school leader pre-service preparation, professional development, teacher distribution, and teacher and school leader evaluation;*

(G) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers *and school leaders;*

(H) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, *climate, and in- and out-of-school suspensions and expulsions*, including information regarding—

(i) \* \* \*

\* \* \* \* \*

[(K) the existence and use of educational technology and access to the Internet by students and teachers in elementary schools and secondary schools;]

(K) *the access to, and use of, technology to improve elementary schools and secondary schools;*

(L) access to, [and opportunity for,] *opportunity for, and quality of* early childhood education;

(M) the availability of, and access to, before-school and after-school programs (including [such programs during school recesses] *summer school*);

(N) student participation in and completion of secondary and postsecondary [vocational] *career* and technical education programs by specific program area; [and]

(O) the existence and use of school libraries; *and*

(P) *access to, and opportunity for, adult education and literacy activities;*

(2) \* \* \*

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, [limited English proficiency] *English learn-*

*er status, mobility, disability, urban, rural, suburban districts, and other population characteristics, [when such disaggregated information will facilitate educational and policy decisionmaking]so long as any reported information does not reveal individually identifiable information;*

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems, *and the implementation (with the assistance of the Department and other Federal officials who have statutory authority to provide assistance on applicable privacy laws, regulations, and policies) of appropriate privacy protections;*

(5) **[determining voluntary standards and guidelines to assist]providing technical assistance to State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), [promote linkages across States,] and protect student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;**

(6) acquiring and disseminating data on educational activities and student achievement (such as the **[Third]Trends in International Math and Science Study and the Program for International Student Assessment**) in the United States compared with foreign nations;

(7) conducting longitudinal and special data collections necessary to report on the condition and progress of education[;] *and ensuring such collections protect student privacy consistent with section 183; and*

**[(8) assisting the Director in the preparation of a biennial report, as described in section 119; and]**

*(8) assisting the Board in the preparation and dissemination of each evaluation report under section 116(d).*

**[(9) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.]**

*(b) PLAN.—The Statistics Commissioner shall develop a plan in consultation with the Director and implement a plan for activities of the Statistics Center that—*

*(1) is consistent with the priorities and mission of the Institute and the mission of the Statistics Center described in section 151(b);*

*(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Statistic Center's most recent evaluation report under section 116(d); and*

*(3) describes how the Statistics Center will use the performance management system described in section 185 to assess and improve the activities of the Center.*

[(b)](c) \* \* \*

\* \* \* \* \*

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

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—[In carrying]

(1) *IN GENERAL.*—*In carrying out the duties under this part, the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance to eligible applicants.*

(2) *ELIGIBILITY.*—*For purposes of this section, the term “eligible applicant” means an applicant that has the ability and capacity to carry out activities under this part.*

(3) *APPLICATIONS.*—

(A) *IN GENERAL.*—*An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Statistics Commissioner at such time, in such manner, and containing such information as the Statistics Commissioner may require.*

(B) *CONTENTS.*—*An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under the grant, contract, or cooperative agreement.*

(b) GATHERING INFORMATION.—

(1) *SAMPLING.*—\* \* \*

(2) *SOURCE OF INFORMATION.*—\* \* \*

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, [vocational and] *career and technical education programs*, adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) \* \* \*

\* \* \* \* \*

(c) *DURATION.*—*Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than [5 years]2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement received under this section.*

\* \* \* \* \*

**SEC. 155. REPORTS.**

(a) *PROCEDURES FOR ISSUANCE OF REPORTS.*—*The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous*

peer review (*consistent with section 114(h)*), produced in a timely fashion, and free from any partisan political influence.

(b) REPORT ON CONDITION AND PROGRESS OF EDUCATION.—Not later than June 1, ~~2003~~2015, and each June 1 thereafter, the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) STATISTICAL REPORTS.—\* \* \*

\* \* \* \* \*

**SEC. 156. DISSEMINATION.**

(a) GENERAL REQUESTS.—

(1) \* \* \*

\* \* \* \* \*

(c) JOINT STATISTICAL PROJECTS.—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with non-profit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary. *Such projects shall adhere to student privacy requirements under section 183.*

\* \* \* \* \*

(e) ACCESS.—

(1) OTHER AGENCIES.—The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center. *Before receiving access to educational data under this paragraph, a Federal agency shall describe to the Statistics Center the specific research intent for use of the data, how access to the data may meet such research intent, and how the Federal agency will protect the confidentiality of the data consistent with the requirements of section 183.*

(2) INTERESTED PARTIES.—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe *and consistent with section 183*, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information. *Before receiving access to data under this paragraph, an interested party shall describe to the Statistics Center the specific research intent for use of the data, how access to the data may meet such research intent, and how the party will protect the confidentiality of the data consistent with the requirements of section 183.*

(3) DENIAL AUTHORITY.—The Statistics Center shall have the authority to deny any requests for access to data under paragraph (1) or (2) if the data requested would be unnecessary for or unrelated to the proposed research design or research intent, or if the request would introduce risk of a privacy violation or misuse of data.

(4) APPLICABILITY OF REQUIREMENTS.—The requirements described under the second sentence of paragraph (1) and the

second sentence of paragraph (2) and the authority under paragraph (3) shall not apply to public use data sets.

\* \* \* \* \*

**SEC. 157. COOPERATIVE EDUCATION STATISTICS [SYSTEMS]PARTNERSHIPS.**

The Statistics Center may establish 1 or more [national cooperative education statistics systems]*cooperative education statistics partnerships* for the purpose of [producing and maintaining, with the cooperation]*reviewing and improving, with the voluntary participation* of the States, [comparable and uniform]*data quality standards, which may include establishing voluntary guidelines to standardize* information and data on early childhood education, elementary and secondary education, postsecondary education, [adult education, and libraries,]*and adult education* that are useful for policymaking at the Federal, State, and local levels. *No student data shall be collected by the partnerships established under this section, nor shall such partnerships establish a national student data system.*

\* \* \* \* \*

**PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE**

**SEC. 171. ESTABLISHMENT.**

(a) **ESTABLISHMENT.**—\* \* \*

(b) **MISSION.**—\* \* \*

[(1) to provide technical assistance;]

[(2)](1) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact [of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science)]*and to evaluate the implementation of such programs;*

[(3)](2) to support synthesis [and wide dissemination of results of]*and, consistent with section 114(j), the wide dissemination and utilization of results of all* evaluation, research, and products developed; and

[(4)](3) \* \* \*

[(c) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.**—In carrying out the duties under this part, the Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance.]

\* \* \* \* \*

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

(a) **IN GENERAL.**—\* \* \*

(1) \* \* \*

[(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other con-

stitutions, especially with respect to information relating to, at a minimum—

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

[(B) closing the achievement gap between high-performing students and low-performing students;

[(C) educational practices that improve academic achievement and promote learning;

[(D) education technology, including software; and

[(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act);]

(2) *widely disseminate, consistent with section 114(j), all information on scientifically valid research and statistics supported by the Institute and all scientifically valid education evaluations supported by the Institute, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to the priorities described in section 115;*

(3) make such information accessible in a user-friendly, timely, and efficient manner, *consistent with section 114(j)* (including through use of a searchable Internet-based online database [that shall include all topics covered in paragraph (2)(E)] to schools, institutions of higher education, educators (including early childhood educators), parents, administrators, policy-makers, researchers, public and private entities (including providers of early childhood services), entities responsible for carrying out technical assistance through the Department, and the general public;

(4) support the regional educational laboratories in conducting applied research, the [development and dissemination]*development, dissemination, and utilization* of educational research, products and processes, [the provision of technical assistance,] and other activities to serve the educational needs of such laboratories' regions;

(5) manage the National Library of Education described in [subsection (d)]*subsection (e)*, and other sources of digital information on education research; *and*

(6) assist the [Director]*Board* in the [preparation of a biennial report]*preparation and dissemination of each evaluation report*, described in section [119; and]*116(d)*.

[(7) award a contract for a pre-Kindergarten through grade 12 mathematics and science teacher clearinghouse.]

(b) ADDITIONAL DUTIES.—\* \* \*

(1) ensure that *all* information disseminated under this section is provided in a cost-effective, nonduplicative manner that includes the most current research findings[, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such

Act existed on the day before the date of enactment of this Act)];

(2) \* \* \*

\* \* \* \* \*

[(c) CONTINUATION.—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses and contracts for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards were in effect on the day before the date of enactment of this Act)) for the duration of those awards, in accordance with the terms and agreements of such awards.]

(c) PLAN.—*The Evaluation and Regional Assistance Commissioner shall propose to the Director and, subject to the approval of the Director, implement a plan for the activities of the National Center for Education Evaluation and Regional Assistance that—*

(1) *is consistent with the priorities and mission of the Institute and the mission of the Center described in section 171(b);*

(2) *is carried out and, as appropriate, updated and modified, including through the use of the results of the Center's most recent evaluation report under section 116(d); and*

(3) *describes how the Center will use the performance management system described in section 185 to assess and improve the activities of the Center.*

(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—*In carrying out the duties under this part, the Evaluation and Regional Assistance Commissioner may—*

(A) *award grants, contracts, or cooperative agreements to eligible applicants to carry out the activities under this part; and*

(B) *provide technical assistance.*

(2) ELIGIBILITY.—*For purposes of this section, the term “eligible applicant” means an applicant that has the ability and capacity to carry out activities under this part.*

(3) ENTITIES TO CONDUCT EVALUATIONS.—*In awarding grants, contracts, or cooperative agreements under paragraph (1) to carry out activities under section 173, the Evaluation and Regional Assistance Commissioner shall make such awards to eligible applicants with the ability and capacity to conduct scientifically valid education evaluations.*

(4) APPLICATIONS.—

(A) IN GENERAL.—*An eligible applicant that wishes to receive a grant, contract, or cooperative agreement under paragraph (1) shall submit an application to the Evaluation and Regional Assistance Commissioner at such time, in such manner, and containing such information as the Commissioner may require.*

(B) CONTENTS.—*An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under such grant, contract, or cooperative agreement.*

(5) DURATION.—*Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under paragraph (1) may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Evaluation and Regional Assistance Commissioner for an additional period of not more than 2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement.*

[(d)](e) NATIONAL LIBRARY OF EDUCATION.—

(1) Establishment.—[There is established within the National Center for Education Evaluation and Regional Assistance] *The Evaluation and Regional Assistance Commissioner may establish a National Library of Education that shall—*

(A) \* \* \*

\* \* \* \* \*

(2) INFORMATION.—\* \* \*

(A) *all* products and publications developed through, or supported by, the Institute; and

(B) \* \* \*

(i) \* \* \*

\* \* \* \* \*

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of [2002 and the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act))].]2002).

\* \* \* \* \*

**SEC. 173. EVALUATIONS.**

(a) IN GENERAL.—

(1) REQUIREMENTS.—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance [may] *shall—*

(A) conduct or support [evaluations] *high-quality evaluations, including impact evaluations that use rigorous methodologies that permit the strongest possible causal inferences, consistent with the Center’s mission as described in section 171(b);*

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), *including programs under part A of such title (20 U.S.C. 6311 et seq.);*

[(C) to the extent practicable, examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;]

~~[(D)]~~(C) *coordinate the activities of the National Center for Education Evaluation and Regional Assistance with other evaluation activities in the Department;*

~~[(E)]~~ review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations; ~~[(F)]~~

~~[(F)]~~(D) *establish evaluation methodology; [and]*

~~[(G)]~~ assist the Director in the preparation of the biennial report, as described in section 119. ~~[(H)]~~

~~[(E)]~~ *provide evaluation findings in an understandable, easily accessible, and usable format to support program improvement;*

~~[(F)]~~ *support the evaluation activities described in section 401 of the Strengthening Education through Research Act that are carried out by the Director; and*

~~[(G)]~~ *to the extent feasible—*

*(i) examine evaluations conducted or supported by others to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;*

*(ii) review and supplement Federal education program evaluations, particularly such evaluations by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;*

*(iii) conduct implementation evaluations that promote continuous improvement and inform policy-making;*

*(iv) evaluate the short- and long-term effects and cost efficiencies across programs assisted or authorized under Federal law and administered by the Department; and*

*(v) synthesize the results of evaluation studies for and across Federal education programs, policies, and practices.*

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; ~~[(B)]~~

(B) be subject to rigorous peer-review ~~[(C)]~~ *under section 114(h); and*

(C) *be widely disseminated, consistent with section 114(j).*

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Evaluation and Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and ~~[(contracts)]~~ *grants, contracts, or cooperative agreements* associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491

et seq.) and administered by the Department as of the date of enactment of this Act.

\* \* \* \* \*

**SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND [TECHNICAL ASSISTANCE]EVALUATION.**

(a) REGIONAL EDUCATIONAL LABORATORIES.—[The Director] *Except as provided in subsection (e)(8), the Evaluation and Regional Assistance Commissioner shall enter into [contracts] grants, contracts, or cooperative agreements with entities to establish a networked system of 10 regional educational laboratories that serve the needs of each region of the United States in accordance with the provisions of this section. The amount of assistance allocated to each laboratory by the Evaluation and Regional Assistance Commissioner shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.*

\* \* \* \* \*

(c) ELIGIBLE APPLICANTS.—[The Director]

(1) *IN GENERAL.—The Evaluation and Regional Assistance Commissioner may enter into [contracts under this section with research organizations, institutions, agencies, institutions of higher education,] grants, contracts, or cooperative agreements under this section with public or private, nonprofit or for-profit research organizations, other organizations, or institutions of higher education, or partnerships among such entities, [or individuals,] with the demonstrated ability or capacity to carry out the activities described in this section[, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110))].*

(2) *DEFINITION.—For purposes of this section, the term “eligible applicant” means an entity described in paragraph (1).*

[(d) APPLICATIONS.—

[(1) SUBMISSION.—Each applicant desiring a contract under this section shall submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

[(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the regional educational laboratory, on an ongoing basis.

[(e) ENTERING INTO CONTRACTS.—

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

[(A) enter into contracts for a 5-year period; and

【(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff.

【(2) COORDINATION.—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

【(A) share information about the activities of each regional educational laboratory awarded a contract under this section with each other regional educational laboratory awarded a contract under this section and with the Department of Education, including the Director and the Board;

【(B) oversee a strategic plan for ensuring that each regional educational laboratory awarded a contract under this section increases collaboration and resource-sharing in such activities;

【(C) ensure, where appropriate, that the activities of each regional educational laboratory awarded a contract under this section also serve national interests; and

【(D) ensure that each regional educational laboratory awarded a contract under this section coordinates such laboratory’s activities with the activities of each other regional technical assistance provider.

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

【(A) actively encourage eligible entities to compete for such awards by making information and technical assistance relating to the competition widely available; and

【(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

【(4) OBJECTIVES AND INDICATORS.—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

【(5) STANDARDS.—The Evaluation and Regional Assistance Commissioner shall establish a system for technical and peer review to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 134 and the evaluation standards adhered to pursuant to section 173(a)(2)(A).

【(f) CENTRAL MISSION AND PRIMARY FUNCTION.—Each regional educational laboratory awarded a contract under this section shall

support applied research, development, wide dissemination, and technical assistance activities by—

【(1) providing training (which may include supporting internships and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded by the Bureau as appropriate, and State boards of education regarding, at a minimum—

【(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

【(B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

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

【(ii) English language acquisition;

【(iii) education technology; and

【(iv) the replication and adaption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

【(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals;

【(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

【(A) schools, districts, institutions of higher education, educators (including early childhood educators and librarians), parents, policymakers, and other constituencies, as appropriate, within the region in which the regional educational laboratory is located; and

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

【(3) developing a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

【(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in pre-kindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared

toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

[(5) supporting and serving the educational development activities and needs of the region by providing educational applied research in usable forms to promote school-improvement, academic achievement, and the closing of achievement gaps and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education and access to postsecondary education;

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

[(7) assisting in gathering information on school finance systems to promote improved access to educational opportunities and to better serve all public school students;

[(8) assisting in gathering information on alternative administrative structures that are more conducive to planning, implementing, and sustaining school reform and improved academic achievement;

[(9) bringing teams of experts together to develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

[(10) developing innovative approaches to the application of technology in education that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

[(g) ACTIVITIES.—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

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

[(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory;

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

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

[(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

[(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

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

[(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by

others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

**[(h) GOVERNING BOARD AND ALLOCATION.—**

**[(1) IN GENERAL.—**In carrying out its responsibilities, each regional educational laboratory awarded a contract under this section, in keeping with the terms and conditions of such laboratory's contract, shall—

**[(A) establish a governing board that—**

**[(i) reflects a balanced representation of—**

**[(I) the States in the region;**

**[(II) the interests and concerns of regional constituencies; and**

**[(III) technical expertise;**

**[(ii) includes the chief State school officer or such officer's designee of each State represented in such board's region;**

**[(iii) includes—**

**[(I) representatives nominated by chief executive officers of States and State organizations of superintendents, principals, institutions of higher education, teachers, parents, businesses, and researchers; or**

**[(II) other representatives of the organizations described in subclause (I), as required by State law in effect on the day before the date of enactment of this Act;**

**[(iv) is the sole entity that—**

**[(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;**

**[(II) determines the regional agenda of the laboratory;**

**[(III) engages in an ongoing dialogue with the Evaluation and Regional Assistance Commissioner concerning the laboratory's goals, activities, and priorities; and**

**[(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Evaluation and Regional Assistance Commissioner, the mission of the regional educational laboratory for the duration of the contract period;**

**[(v) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;**

**[(vi) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;**

**[(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that**

will make progress toward achieving the State education goals and reforming schools and educational systems; and

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

[(B) allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

[(2) SPECIAL RULE.—If a regional educational laboratory needs flexibility in order to meet the requirements of paragraph (1)(A)(i), the regional educational laboratory may select not more than 10 percent of the governing board from individuals outside those representatives nominated in accordance with paragraph (1)(A)(iii).

[(i) DUTIES OF GOVERNING BOARD.—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of the regional educational laboratories shall establish and maintain a network to—

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

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

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

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

[(j) EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluations to the relevant committees of Congress, the Board, and the appropriate regional educational laboratory governing board.]

(d) APPLICATIONS.—

(1) SUBMISSION.—

(A) IN GENERAL.—*Each eligible applicant desiring a contract grant, contract, or cooperative agreement under this section shall submit an application at such time, in such manner, and containing such information as the Evaluation and Regional Assistance Commissioner may reasonably require.*

(B) *INPUT.*—To ensure that applications submitted under this paragraph are reflective of the needs of the regions to be served, each eligible applicant submitting such an application shall seek input from State educational agencies and local educational agencies in the region that the award will serve, and other individuals with knowledge of the region's needs.

(2) *PLAN.*—

(A) *IN GENERAL.*—Each application submitted under paragraph (1) shall contain a plan for the activities of the regional educational laboratory to be established under this section, which shall be updated, modified, and improved, as appropriate, on an ongoing basis, including by using the results of the laboratory's interim evaluation under subsection (i)(3).

(B) *CONTENTS.*—A plan described in subparagraph (A) shall address—

(i) the priorities for applied research, development, evaluations, and wide dissemination established under section 207;

(ii) the needs of State educational agencies and local educational agencies, on an ongoing basis, using available State and local data; and

(iii) if available, demonstrated support from State educational agencies and local educational agencies in the region, such as letters of support or signed memoranda of understanding.

(3) *NON-FEDERAL SUPPORT.*—In conducting a competition for grants, contracts, or cooperative agreements under subsection (a), the Evaluation and Regional Assistance Commissioner shall give priority to eligible applicants that will provide a portion of non-Federal funds to maximize support for activities of the regional educational laboratories to be established under this section.

(e) *AWARDING GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.*—

(1) *ASSURANCES.*—In awarding grants, contracts, or cooperative agreements under this section, the Evaluation and Regional Assistance Commissioner shall—

(A) make such an award for not more than a 5-year period;

(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff; and

(C) ensure that each such laboratory has the flexibility to respond in a timely fashion to the needs of the laboratory's region, including—

(i) through using the results of the laboratory's interim evaluation under subsection (i)(3) to improve and modify the activities of the laboratory before the end of the award period; and

(ii) through sharing preliminary results of the laboratory's research, as appropriate, to increase the relevance and usefulness of the research.

(2) *COORDINATION.*—To ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

(A) share information about the activities of each regional educational laboratory with each other regional educational laboratory, the Department, the Director, and the National Board for Education Sciences;

(B) ensure, where appropriate, that the activities of each regional educational laboratory established under this section also serve national interests;

(C) ensure each such regional educational laboratory establishes strong partnerships among practitioners, policy-makers, researchers, and others, so that such partnerships are continued in the absence of Federal support; and

(D) enable, where appropriate, for such a laboratory to work in a region being served by another laboratory or to carry out a project that extends beyond the region served by the laboratory.

(3) *COLLABORATION WITH TECHNICAL ASSISTANCE PROVIDERS.*—Each regional educational laboratory established under this section shall, on an ongoing basis, coordinate its activities, collaborate, and regularly exchange information with the comprehensive centers (established in section 203) in the region in which the center is located, and with comprehensive centers located outside of its region, as appropriate.

(4) *OUTREACH.*—In conducting competitions for grants, contracts, or cooperative agreements under this section, the Evaluation and Regional Assistance Commissioner shall—

(A) by making information and technical assistance relating to the competition widely available, actively encourage eligible applicants to compete for such an award; and

(B) seek input from the chief executive officers of States, chief State school officers, educators, parents, superintendents, and other individuals with knowledge of the needs of the regions to be served by the awards, regarding—

(i) the needs in the regions for applied research, evaluation, development, and wide-dissemination activities authorized by this title; and

(ii) how such needs may be addressed most effectively.

(5) *PERFORMANCE MANAGEMENT.*—Before the Evaluation and Regional Assistance Commissioner awards a grant, contract, or cooperative agreement under this section, the Director shall establish measurable performance indicators for assessing the ongoing progress and performance of the regional educational laboratories established with such awards that address the requirements of the performance management system described in section 185.

(6) *STANDARDS.*—The Evaluation and Regional Assistance Commissioner shall adhere to the Institute's system for technical and peer review under section 114(h) in reviewing the applied research activities and research-based reports of the regional educational laboratories.

(7) *REQUIRED CONSIDERATION.*—*In determining whether to award a grant, contract, or cooperative agreement under this section—*

(A) *to an eligible applicant that previously established a regional educational laboratory under this section, the Evaluation and Regional Assistance Commissioner shall—*

(i) *consider the results of such laboratory's summative evaluation under subsection (i)(2), or, if not available, any interim evaluation findings under subsection (i)(3); and*

(ii) *ensure that only such laboratories determined effective in their relevant interim or summative evaluations, as described in subsection (i), are eligible to receive a new grant, contract, or cooperative agreement; and*

(B) *to any eligible applicant, the Evaluation and Regional Assistance Commissioner shall ensure that such applicant has—*

(i) *a history of effectiveness in conducting high-quality applied research; and*

(ii) *the capacity to meet the measurable performance indicators established under paragraph (5).*

(8) *FLEXIBILITY IN LABORATORY NUMBER.*—

(A) *DETERMINATION.*—*The Evaluation and Regional Assistance Commissioner, in consultation with the regional educational laboratory advisory boards described in subsection (h), may determine that establishing 10 regional educational laboratories is unnecessary, as required in subsection (a), and grant an alternative number of awards or reorganize such laboratories, which may include not basing the awards on the regions described in subsection (b), if—*

(i) *an insufficient number of regional educational laboratories are meeting the needs of the regions described in subsection (b), as determined by the Commissioner;*

(ii) *an insufficient number of laboratories are meeting the measurable performance indicators established under paragraph (5), as determined by the Commissioner and the most recent interim or summative evaluation under subsection (i); or*

(iii) *an insufficient number of eligible applicants have the capacity to meet the measurable performance indicators established under paragraph (5), as determined by the Commissioner.*

(B) *LIMITATION.*—*If the Evaluation and Regional Assistance Commissioner uses the determination authority described in subparagraph (A), there shall be no more than 10 regional educational laboratories established.*

(f) *MISSION.*—*Each regional educational laboratory established under this section shall—*

(1) *conduct applied research, development, data analysis, and evaluation activities with State educational agencies, local educational agencies, and, as appropriate, schools funded by the Bureau;*

(2) widely disseminate such work, consistent with section 114(j); and

(3) develop the capacity of State educational agencies, local educational agencies, and, as appropriate, schools funded by the Bureau to carry out the activities described in paragraphs (1) and (2).

(g) *ACTIVITIES.*—To carry out the mission described in subsection (f), each regional educational laboratory established under this section shall carry out the following activities:

(1) Conduct, widely disseminate, and promote utilization of applied research, development activities, evaluations, data analysis, and other scientifically valid research.

(2) Develop and improve the plan for the laboratory under subsection (d)(2) for serving the region of the laboratory, and as appropriate, national needs, on an ongoing basis, which shall include seeking input and incorporating feedback from the representatives of State educational agencies and local educational agencies in the region, and other individuals with knowledge of the region's needs.

(3) Ensure research and related products are relevant and responsive to the needs of the region.

(h) *REGIONAL EDUCATIONAL LABORATORY ADVISORY BOARD.*—

(1) *ESTABLISHMENT.*—Each regional educational laboratory established under this section may establish an advisory board that shall support the priorities of such laboratory.

(2) *DUTIES.*—Each advisory board established under paragraph (1) shall advise the regional educational laboratory—

(A) concerning the activities described in subsection (g);

(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis, and as appropriate, national needs;

(C) on maintaining a high standard of quality in the performance of the laboratory's activities, especially in meeting the measurable performance indicators established under subsection (e)(5);

(D) on carrying out the laboratory's duties in a manner that promotes progress toward improving student academic achievement;

(E) on the activities undertaken by the comprehensive center in the region, other centers, as appropriate, and other laboratories to align the work of such entities, reduce redundancy, and increase collaboration and resource-sharing in such activities; and

(F) on joint activities with other comprehensive centers or laboratories that would meet the needs of multiple regions.

(3) *COMPOSITION.*—

(A) *IN GENERAL.*—Each advisory board shall—

(i) not exceed 25 members;

(ii) include the chief State school officer, or such officer's designee, or other State official, of States within the region of the laboratory who have primary responsibility under State law for elementary and secondary education in the State;

(iii) include representatives of local educational agencies, including rural and urban local educational agencies, that represent the geographic diversity of the region;

(iv) include researchers; and

(v) include not less than 1 representative from an advisory board of a comprehensive center serving the region, if applicable.

(B) **ELIGIBILITY.**—The membership of each regional educational laboratory advisory board may include the following:

(i) Representatives of institutions of higher education.

(ii) Parents.

(iii) Practicing educators, including classroom teachers, school leaders, administrators, school board members, and other local school officials.

(iv) Representatives of business.

(v) Policymakers.

(4) **RECOMMENDATIONS.**—In choosing individuals for membership on a regional educational laboratory advisory board, the regional educational laboratory shall consult with, and solicit recommendations from, the Evaluation and Regional Assistance Commissioner, the chief executive officers of States, chief State school officers, local educational agencies, and other education stakeholders within the applicable region.

(5) **SPECIAL RULE.**—The total number of members on each regional educational laboratory advisory board who are selected under clauses (ii) and (iii) of paragraph (3)(A), in the aggregate, shall exceed the total number of members who are selected under paragraph (3)(B), collectively.

(i) **EVALUATIONS.**—

(1) **IN GENERAL.**—The Evaluation and Regional Assistance Commissioner shall—

(A) provide for ongoing summative and interim evaluations described in paragraphs (2) and (3), respectively, of each of the regional educational laboratories established under this section in carrying out the full range of duties described in this section; and

(B) transmit the results of such evaluations, through appropriate means, to the appropriate congressional committees, the Director, and the public.

(2) **SUMMATIVE EVALUATIONS.**—The Evaluation and Regional Assistance Commissioner shall ensure each regional educational laboratory established under this section is evaluated by an independent entity at the end of the period of the grant, contract, or cooperative agreement that established such laboratory, and such evaluation shall—

(A) be completed in a timely fashion;

(B) assess how well the laboratory is meeting the measurable performance indicators established under subsection (e)(5); and

(C) consider the extent to which the laboratory ensures that the activities of such laboratory are relevant and use-

*ful to the work of State and local practitioners and policy-makers.*

(3) *INTERIM EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall ensure each regional educational laboratory established under this section is evaluated at the midpoint of the period of the grant, contract, or cooperative agreement that established such laboratory, and such evaluation shall—*

*(A) assess how well such laboratory is meeting the performance indicators described in subsection (e)(5); and*

*(B) be used to improve the effectiveness of such laboratory in carrying out its plan under subsection (d)(2).*

(j) *CONTINUATION OF AWARDS; RECOMPETITION.—*

*(1) CONTINUATION OF AWARDS.—The Evaluation and Regional Assistance Commissioner shall continue awards made to each eligible applicant for the support of regional educational laboratories established under this section prior to the date of enactment of the Strengthening Education through Research Act, as such awards were in effect on the day before the date of enactment of such Act, for the duration of those awards, in accordance with the terms and agreements of such awards.*

*(2) RECOMPETITION.—Not later than the end of the period of the awards described in paragraph (1), the Evaluation and Regional Assistance Commissioner shall—*

*(A) hold a competition to make grants, contracts, or cooperative agreements under this section to eligible applicants, which may include eligible applicants that held awards described in paragraph (1); and*

*(B) in determining whether to select an eligible applicant that held an award described in paragraph (1) for an award under subparagraph (A) of this paragraph, consider the results of the summative evaluation under subsection (i)(2) of the laboratory established with the eligible applicant's award described in paragraph (1).*

\* \* \* \* \*

**[(1) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.]**

**[(m)](l) ADDITIONAL PROJECTS.—In addition to activities authorized under this section, the Director is authorized to enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State and local education goals and for other purposes.**

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

**[(1) a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and**

**[(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during**

the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.】

(m) *ANNUAL REPORT.*—*Each regional educational laboratory established under this section shall submit to the Evaluation and Regional Assistance Commissioner an annual report containing such information as the Commissioner may require, but which shall include, at a minimum, the following:*

(1) *A summary of the laboratory's activities and products developed during the previous year.*

(2) *A listing of the State educational agencies, local educational agencies, and schools the laboratory assisted during the previous year.*

(3) *Using the measurable performance indicators established under subsection (e)(5), a description of how well the laboratory is meeting educational needs of the region served by the laboratory.*

(4) *Any changes to the laboratory's plan under subsection (d)(2) to improve its activities in the remaining years of the grant, contract, or cooperative agreement.*

【(o)】(n) *CONSTRUCTION.*—*Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this Act.*

(o) *APPROPRIATIONS RESERVATION.*—*Of the amounts appropriated under section 194(a), the Evaluation and Regional Assistance Commissioner shall reserve 16.13 percent of such funds to carry out this section, of which the Commissioner shall use not less than 25 percent to serve rural areas (including schools funded by the Bureau which are located in rural areas).*

\* \* \* \* \*

## **PART E—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH**

### **SEC. 175. ESTABLISHMENT.**

(a) *ESTABLISHMENT.*—\* \* \*

(b) *MISSION.*—*The mission of the Special Education Research Center is—*

(1) *to sponsor research to expand knowledge and understanding of the needs of infants, toddlers, 【and children】children, and youth with disabilities in order to improve the developmental, educational, and transitional results of such individuals;*

(2) *to sponsor research to improve services provided under, and support the implementation of, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); 【and】*

(3) *to evaluate the implementation and effectiveness of the Individuals with Disabilities Education Act in coordination with the National Center for Education Evaluation and Regional Assistance【.】;*

(4) *to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and*

*understanding of the validity of education theories, practices, or conditions with respect to special education research and evaluation described in paragraphs (1) through (3); and*

*(5) to promote scientifically valid research findings in special education that may provide the basis for improving academic instruction and lifelong learning.*

\* \* \* \* \*

**SEC. 176. COMMISSIONER FOR SPECIAL EDUCATION RESEARCH.**

The Special Education Research Center shall be headed by a Commissioner for Special Education Research (in this part referred to as the “Special Education Research Commissioner”) who shall have substantial knowledge of the Special Education Research Center’s activities, including a high level of expertise in the fields of research, research management, and the education of children *and youth* with disabilities.

\* \* \* \* \*

**SEC. 177. DUTIES.**

(a) **GENERAL DUTIES.**—The Special Education Research Center shall carry out research activities under this part consistent with the mission described in section 175(b), such as activities that—

(1) improve services provided under the Individuals with Disabilities Education Act in order to improve—

(A) academic achievement, functional outcomes, and educational results for children *and youth* with disabilities; and

(B) \* \* \*

(2) identify **[scientifically based educational practices]***educational practices, including the use of technology based on scientifically valid research,* that support learning and improve academic achievement, functional outcomes, and educational results for all students with disabilities;

(3) \* \* \*

(4) identify **[scientifically based]** related services and interventions that *are based on scientifically valid research and* promote participation and progress in the general education curriculum and general education settings;

(5) \* \* \*

\* \* \* \* \*

(10) examine and improve secondary and postsecondary education and transitional outcomes and results for children with disabilities, *including how secondary school credentials are related to postsecondary and employment outcomes;*

(11) *examine the participation and outcomes of students with disabilities in secondary and postsecondary career and technical education programs;*

**[(11)](12)** \* \* \*

**[(12)](13)** \* \* \*

**[(13)](14)** improve the preparation *and professional development* of personnel, including early intervention personnel, who provide educational and related services to children with disabilities to increase the academic achievement and functional performance of students with disabilities;

**[(14)](15)** \* \* \*

[(15)](16) [help parents] *examine the methods by which parents may improve educational results for their children, particularly related to transition issues;*

(17) *assist the Board in the preparation and dissemination of each evaluation report under section 116(d);*

[(16)](18) *address the unique needs of children with significant cognitive disabilities; [and]*

[[17]](19) *examine the special needs of limited English proficient children with disabilities. ]*

(19) *examine the needs of children with disabilities who are English learners, are gifted and talented, or have other unique learning needs; and*

(20) *examine innovations in the field of special education, such as multi-tiered systems of support.*

\* \* \* \* \*

(c) PLAN.—The Special Education Research Commissioner shall propose to the Director a research plan *for the activities of the Special Education Research Center*, developed in collaboration with the Assistant Secretary for Special Education and Rehabilitative [Services, that—] *Services, and, subject to the approval of the Director, implement the research plan. The research plan shall be a plan that—*

(1) *is consistent with the priorities and mission of the Institute and the mission of the Special Education Research Center described in section 175(b);*

[(2)] *is carried out, updated, and modified, as appropriate; ]*

(2) *is carried out, and, as appropriate, updated and modified, including by using the results of the Special Education Research Center's most recent evaluation report under section 116(d);*

(3) *provides for research that addresses significant questions of practice where such research is lacking;*

[(3)](4) \* \* \*

[(4)](5) *contains an appropriate balance across all age ranges [and types of children with], student subgroups, and types of disabilities;*

(6) *describes how the Special Education Research Center will use the performance management system described in section 185 to assess and improve the activities of the Center; and*

[(5)] *provides for research that is objective and uses measurable indicators to assess its progress and results; and ]*

[(6)](7) \* \* \*

(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In carrying out the duties under this section, the [Director] *Special Education Research Commissioner* may award grants to, or enter into contracts or cooperative agreements with, eligible applicants.

(2) ELIGIBLE APPLICANTS.— \* \* \*

[(3)] *APPLICATIONS.—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. ]*

(3) *APPLICATIONS.—*

(A) *IN GENERAL.*—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Special Education Research Commissioner at such time, in such manner, and containing such information as the Special Education Research Commissioner may require.

(B) *CONTENTS.*—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under such grant, contract, or cooperative agreement.

(4) *DURATION.*—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded or entered into, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Special Education Research Commissioner for an additional period of not more than 2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement received or entered into under this section.

[(e) *DISSEMINATION.*—The Special Education Research Center shall—

[(1) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of special education research conducted or supported by the Special Education Research Center; and

[(2) assist the Director in the preparation of a biennial report, as described in section 119.]

(e) *DISSEMINATION.*—The Special Education Research Center shall synthesize and, consistent with section 114(j), widely disseminate and promote utilization of the findings and results of special education research conducted or supported by the Special Education Research Center.

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this [part such sums as may be necessary for each of fiscal years 2005 through 2010.]part—

- (1) for fiscal year 2015, \$54,000,000;
- (2) for fiscal year 2016, \$55,080,000;
- (3) for fiscal year 2017, \$56,181,600;
- (4) for fiscal year 2018, \$57,305,232;
- (5) for fiscal year 2019, \$58,394,031; and
- (6) for fiscal year 2020, \$66,151,452.

\* \* \* \* \*

**PART F—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 182. PROHIBITIONS.**

(a) *NATIONAL DATABASE.*— \* \* \*

(b) *FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.*— Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control

the curriculum, *specific academic achievement or content standards or assessments*, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum designed to be used in [an elementary school or secondary school] *early education, or in an elementary school, secondary school, or institution of higher education.*

(d) FEDERALLY SPONSORED TESTING.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

**SEC. 183. CONFIDENTIALITY.**

(a) IN GENERAL.— \* \* \*

(b) STUDENT INFORMATION.—The Director shall ensure that all individually identifiable information about students, their academic achievements, [their families, and information with respect to individual schools,] *and their families* shall remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h), *and that any disclosed information with respect to individual schools not reveal such individually identifiable information.*

\* \* \* \* \*

(d) ADMINISTRATION.—

(1) IN GENERAL.—

(A) DISCLOSURE.— \* \* \*

\* \* \* \* \*

(2) EMPLOYEE OR STAFF VIOLATIONS.—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (c)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by subsection (c)(2), and that comes into such employee or staff's possession by reason of employment (or otherwise providing services, *including voluntary and uncompensated services under section 190*) under this title, shall be found guilty of a class E felony and imprisoned for not more than five years, or fined as specified in section 3571 of title 18, United States Code, or both.

(3) TEMPORARY STAFF.— \* \* \*

\* \* \* \* \*

(e) INVESTIGATION AND PROSECUTION OF TERRORISM.—

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

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

(A) \* \* \*

\* \* \* \* \*

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

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through **use of the Internet** *electronic means, such as posting in an easily accessible manner on the Institute's website.*

\* \* \* \* \*

**[SEC. 185. [20 U.S.C. 9575] PERFORMANCE MANAGEMENT.**

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

**[(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.**

**[(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.**

**[(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.**

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

**[(5) Continuously improving management strategies and practices.**

**[(6) Making information available to the public in an expeditious fashion.]**

**SEC. 185. PERFORMANCE MANAGEMENT.**

*The Director shall establish a system for managing the performance of all activities authorized under this title to promote continuous improvement of the activities and to ensure the effective use of Federal funds by—*

*(1) developing and using measurable performance indicators, including timelines, to evaluate and improve the effectiveness of the activities;*

*(2) using the performance indicators described in paragraph (1) to inform funding decisions, including the awarding and continuation of all grants, contracts, and cooperative agreements under this title;*

*(3) establishing and improving formal feedback mechanisms to—*

*(A) anticipate and meet stakeholder needs; and*

*(B) incorporate, on an ongoing basis, the feedback of such stakeholders into the activities authorized under this title; and*

(4) *promoting the wide dissemination and utilization, consistent with section 114(j), of all information, products, and publications of the Institute.*

\* \* \* \* \*

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

(a) PUBLICATION.—\* \* \*

(b) ADVANCE COPIES.—The Director shall provide the Secretary and other relevant offices with an advance copy of [any information to be published under this section before publication]any publication under this section before the public release of such publication.

(c) PEER REVIEW.—\* \* \*

\* \* \* \* \*

**SEC. 189. FELLOWSHIPS.**

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education and the mission of each National Education Center authorized under this title, the Director shall establish and maintain research, evaluation, and statistics fellowships in institutions of higher education (which may include the establishment of such fellowships in [historically Black colleges and universities]minority-serving institutions and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study onsite at the Institute or at the institution of higher education. In establishing the fellowships, the Director shall ensure that women and minorities are actively recruited for participation.

\* \* \* \* \*

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

[(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except section 174) \$400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

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

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

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except part E)—

- (1) for fiscal year 2015, \$337,343,000;
- (2) for fiscal year 2016, \$344,089,860;
- (3) for fiscal year 2017, \$350,971,657;
- (4) for fiscal year 2018, \$357,991,090;
- (5) for fiscal year 2019, \$364,792,921; and
- (6) for fiscal year 2020, \$368,440,850.

[(b) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated to carry out section 174 \$100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under

the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).】

(b) RESERVATIONS.—Of the amounts appropriated under subsection (a) for each fiscal year—

(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of the Strengthening Education through Research Act) for fiscal year 2014 shall be provided to the National Center for Education Statistics, as authorized under part C; and

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

\* \* \* \* \*

**Carl D. Perkins Career and Technical Education Act of 2006**

\* \* \* \* \*

**SEC. 3. DEFINITIONS.**

Unless otherwise specified, in this Act:

(1) ADMINISTRATION.— \* \* \*

\* \* \* \* \*

(25) SCIENTIFICALLY BASED RESEARCH.—The term “scientifically based research” means research that is carried out [using scientifically based research standards, as defined in section 102]in accordance with the principles of scientific research, as defined in section 102 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501).

\* \* \* \* \*

**Elementary and Secondary Education Act of 1965**

\* \* \* \* \*

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

(a) GENERAL PROHIBITION.— \* \* \*

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

\* \* \* \* \*

**Individuals With Disabilities Education Act**

\* \* \* \* \*

**SEC. 681. COMPREHENSIVE PLAN FOR SUBPARTS 2 AND 3.**

(a) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—After receiving input from interested individuals with relevant expertise, the Secretary shall develop and implement a comprehensive plan for activities carried out under subparts 2 and 3 in order to enhance the provision of

early intervention services, educational services, related services, and transitional services to children with disabilities under parts B and C. To the extent practicable, the plan shall be coordinated with the plan developed pursuant to ~~section 178(c)~~ *section 177(c)* of the Education Sciences Reform Act of 2002 and shall include mechanisms to address early intervention, educational, related service and transitional needs identified by State educational agencies in applications submitted for State personnel development grants under subpart 1 and for grants under subparts 2 and 3.

\* \* \* \* \*

**Educational Technical Assistance Act of 2002**

\* \* \* \* \*

**SEC. 202. DEFINITIONS.**

In this title:

(1) **IN GENERAL.**—The terms “local educational agency” and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **SCHOOL LEADER.**—*The term “school leader” has the meaning given the term in section 102.*

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

\* \* \* \* \*

**SEC. 203. COMPREHENSIVE CENTERS.**

**(a) AUTHORIZATION.**—

**(1) IN GENERAL.**—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local entities, or consortia of such entities, with demonstrated expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, especially to low-performing schools and districts, to establish comprehensive centers.

**(2) REGIONS.**—In awarding grants under paragraph (1), the Secretary—

**(A)** shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act); and

**(B)** after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) in the population served by the local entity or consortium of such entities.]

*(a) AUTHORIZATION.—*

*(1) IN GENERAL.—Subject to paragraph (3) and except as provided in subsection (b)(5), the Secretary shall award 17 grants, contracts, or cooperative agreements to eligible applicants to establish comprehensive centers.*

*(2) MISSION.—The mission of the comprehensive centers is to provide State educational agencies and local educational agencies technical assistance, analysis, and training to build their capacity in implementing the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other Federal education laws, and research-based practices.*

*(3) REGIONS.—In awarding grants, contracts, or cooperative agreements under paragraph (1), the Secretary—*

*(A) shall establish at least one comprehensive center for each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(h)) (as such provision existed on the day before the date of enactment of this Act);*

*(B) may establish additional comprehensive centers—*

*(i) for one or more of the regions described in subparagraph (A); or*

*(ii) to serve the Nation as a whole by providing technical assistance on a particular content area of importance to the Nation, as determined by the Secretary; and*

*(C) may make such arrangements as the Secretary determines necessary to ensure that the Bureau of Indian Education and States or local educational agencies serving significant numbers of American Indian, Alaska Native, or Native Hawaiian students have access to services provided under this section.*

*(4) NATION.—In the case of a comprehensive center established to serve the Nation as described in paragraph (3)(B)(ii), the Nation shall be considered to be a region served by such Center.*

*(5) AWARD PERIOD.—A grant, contract, or cooperative agreement under this section may be awarded, on a competitive basis, for a period of not more than 5 years.*

*(6) RESPONSIVENESS.—The Secretary shall ensure that each comprehensive center established under this section has the ability to respond in a timely fashion to the needs of State educational agencies and local educational agencies, including through using the results of the center's interim evaluation under section 204(c), to improve and modify the activities of the center before the end of the award period.*

*(b) ELIGIBLE APPLICANTS.—*

*(1) IN GENERAL.—Grants, contracts, or cooperative agreements under this section may be made with [research organizations, institutions, agencies, institutions of higher education,]public or private, nonprofit or for-profit research organizations, other organizations, or institutions of higher education, or partnerships among such entities[, or individuals,] with the*

demonstrated ability or capacity to carry out the activities described in ~~subsection (f)~~ *subsection (e)*, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

**(2) OUTREACH.**—In conducting competitions for grants under this section, the Secretary shall actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition.

**(3) OBJECTIVES AND INDICATORS.**—Before awarding a grant under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the assessment conducted under section 206, to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

*(2) OUTREACH.—In conducting competitions for grants, contracts, or cooperative agreements under this section, the Secretary shall—*

*(A) by making widely available information and technical assistance relating to the competition, actively encourage eligible applicants to compete for such awards; and*

*(B) seek input from chief executive officers of States, chief State school officers, educators, parents, superintendents, and other individuals with knowledge of the needs of the regions to be served by the awards, regarding—*

*(i) the needs in the regions for technical assistance authorized under this title; and*

*(ii) how such needs may be addressed most effectively.*

**(3) PERFORMANCE MANAGEMENT.**—Before awarding a grant, contract, or cooperative agreement under this section, the Secretary shall establish measurable performance indicators to be used to assess the ongoing progress and performance of the comprehensive centers to be established under this title that address paragraphs (1) through (3) of the performance management system described in section 185.

**(4) REQUIRED CONSIDERATION.**—In determining whether to award or enter into a grant, contract, or cooperative agreement under this section—

*(A) to an eligible applicant that previously established a comprehensive center under this section, the Secretary shall—*

*(i) consider the results of such center’s summative evaluation under section 204(b) or, if not available, any interim evaluation results under section 204(c); and*

*(ii) ensure that only centers determined effective in the centers’ relevant interim or summative evaluations,*

as described in section 204, are eligible to receive a new grant, contract, or cooperative agreement; and

(B) to any eligible applicant, the Secretary shall ensure that such applicant has—

(i) a history of effectiveness in providing high-quality technical assistance; and

(ii) the capacity to meet the measurable performance indicators established under paragraph (3).

(5) FLEXIBILITY IN COMPREHENSIVE CENTER NUMBER.—

(A) DETERMINATION.—The Secretary, in consultation with the comprehensive center advisory boards described in subsection (f), may determine that establishing 17 comprehensive centers under this section is unnecessary, as required in subsection (a)(1), and grant an alternative number of awards or reorganize such centers, which may include organizing the centers around content area instead of by the regions described in subsection (a)(3), if—

(i) an insufficient number of such comprehensive centers are meeting the needs of the regions described in paragraphs (3) and (4) of subsection (a), as determined by the Secretary;

(ii) an insufficient number of such comprehensive centers are meeting the measurable performance indicators established under paragraph (3), as determined by the Secretary and the most recent interim or summative evaluation under section 204; or

(iii) an insufficient number of eligible applicants have the capacity to meet the measurable performance indicators established under paragraph (3), as determined by the Secretary.

(B) LIMITATION.—The Secretary shall not use the determination authority described in subparagraph (A) to establish more than 17 comprehensive centers under this section.

(6) CONTINUATION OF AWARDS.—

(A) CONTINUATION OF AWARDS.—The Secretary shall continue awards made to each eligible applicant for the support of comprehensive centers established under this section prior to the date of enactment of the Strengthening Education through Research Act, as such awards were in effect on the day before the date of enactment of such Act, for the duration of those awards, in accordance with the terms and agreements of such awards.

(B) RECOMPETITION.—Not later than the end of the period of the awards described in subparagraph (A), the Secretary shall—

(i) hold a competition to make grants, contracts, or cooperative agreements under this section to eligible applicants, which may include eligible applicants that held awards described in subparagraph (A); and

(ii) in determining whether to select an eligible applicant that held an award described in subparagraph (A) for an award under clause (i) of this subparagraph, consider the results of the summative evaluation under section 204(b) of the center established with the eligible applicant's award described in subparagraph (A).

(7) *ELIGIBLE APPLICANT DEFINED.*—*For purposes of this section, the term “eligible applicant” means an entity described in paragraph (1).*

【(c) APPLICATION.—

【(1) SUBMISSION.—Each local entity, or consortium of such entities, seeking a grant under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

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

(c) APPLICATIONS.—

(1) SUBMISSION.—

(A) *IN GENERAL.*—*Each eligible applicant seeking a grant, contract, or cooperative agreement under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.*

(B) *INPUT.*—*To ensure that applications submitted under this paragraph are reflective of the needs of the regions to be served, each eligible applicant submitting such an application shall seek input from—*

(i) *State educational agencies and local educational agencies in the region that the award will serve; and*

(ii) *other individuals with knowledge of the region’s needs.*

(2) PLAN.—

(A) *IN GENERAL.*—*Each application submitted under paragraph (1) shall contain a plan for the comprehensive center to be established under this section, which shall be updated, modified, and improved, as appropriate, on an ongoing basis, including by using the results of the center’s interim evaluation under section 204(c).*

(B) *CONTENTS.*—*A plan described in subparagraph (A) shall address—*

(i) *the priorities for technical assistance established under section 207;*

(ii) *the needs of State educational agencies and local educational agencies, on an ongoing basis, using available State and local data, including how the needs of schools identified for improvement and schools and local educational agencies with a high percentage or number of low-income students will be prioritized and served; and*

(iii) *if available, demonstrated support from State educational agencies and local educational agencies, such as letters of support or signed memoranda of understanding.*

(3) *NON-FEDERAL SUPPORT.*—*In conducting a competition for grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to eligible applicants that will provide a portion of non-Federal funds to maximize support for activities of the comprehensive centers to be established under this section.*

(d) *ALLOCATION.*—Each comprehensive center established under this section shall allocate such center's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, *the number of low-performing schools in the region*, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

[(e) *SCOPE OF WORK.*—Each comprehensive center established under this section shall work with State educational agencies, local educational agencies, regional educational agencies, and schools in the region where such center is located on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

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

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

[(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).]

[(f)](e) *ACTIVITIES.*—

(1) *IN GENERAL.*—A comprehensive center established under this section shall [support dissemination and technical assistance activities by] *support State educational agencies and local educational agencies, including by—*

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) *and other Federal education laws;*

(ii) the use of scientifically valid teaching methods [and assessment tools], *assessment tools, and other educational strategies* for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of [mathe-  
matics, science,] *mathematics and science, which*

may include computer science or engineering, and reading or language arts;

(II) \* \* \*

(III) education technology, including innovative tools and methods; and

[(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and]

(iii) the replication and adaptation of exemplary practices and innovative methods that have an evidence base of effectiveness; and

(B) disseminating, consistent with section 114(j), and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement [(as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))], to schools, educators, parents, and policymakers within the region in which the center is located]; and

[(C) developing teacher and school leader inservice and preservice training models that illustrate best practices in the use of technology in different content areas.]

(C) ensuring activities carried out under this section are relevant and responsive to the needs of the region being served.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall, on an ongoing basis, coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region [in which the center is located] served by the center or other regional educational laboratories or comprehensive centers, as appropriate, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(f) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section may establish an advisory board that shall support the priorities of such center.

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

(A) concerning the activities described in subsection (e);

(B) on strategies for monitoring and addressing the educational needs of the region being served on an ongoing basis and, as appropriate, national needs;

(C) on maintaining a high standard of quality in the performance of the center's activities, especially in meeting the measurable performance indicators established under subsection (b)(3);

(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement;

(E) on the activities undertaken by regional educational laboratories of the region being served, other regional educational laboratories, as appropriate, and other

comprehensive centers to align the work of the laboratories and centers, reduce redundancy, and increase collaboration and resource-sharing in such activities; and

(F) on joint activities, with other comprehensive centers or regional educational laboratories from other regions, that would meet the needs of multiple regions.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall—

(i) not exceed 25 members;

(ii) include the chief State school officer, or such officer's designee, or other State official, of States within the region served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State;

(iii) include representatives of local educational agencies, including rural and urban local educational agencies, that represent the geographic diversity of the region;

(iv) include researchers; and

(v) include not less than 1 representative from the advisory board of a regional educational laboratory in the region being served by the comprehensive center.

(B) ELIGIBILITY.—The membership of each comprehensive center advisory board may include the following:

(i) Representatives of institutions of higher education.

(ii) Parents.

(iii) Practicing educators, including classroom teachers, school leaders, administrators, school board members, and other local school officials.

(iv) Representatives of business.

(v) Policymakers.

(4) RECOMMENDATIONS.—In choosing individuals for membership on a comprehensive center advisory board, the comprehensive center shall consult with, and solicit recommendations from, the Secretary, chief executive officers of States, chief State school officers, local educational agencies, and other education stakeholders within the applicable region.

(5) SPECIAL RULE.—The total number of members on each board who are selected under clauses (ii) and (iii) of paragraph (3)(A), in the aggregate, shall exceed the total number of members who are selected under paragraph (3)(B), collectively.

(g) REPORT TO THE SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the center's activities and products developed during the previous year.

(2) A listing of the State educational agencies, local educational agencies, and schools the center assisted during the previous year.

(3) Using the measurable performance indicators established under subsection (b)(3), a description of how well the center is meeting educational needs of the region served by the center.

(4) Any changes to the center's plan under subsection (c)(2) to improve its activities in the remaining years of the grant, contract, or cooperative agreement.

[(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

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

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

[(A) concerning the activities described in subsection (d);

[(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;

[(C) on maintaining a high standard of quality in the performance of the center's activities; and

[(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement.

[(3) COMPOSITION.—

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

[(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

[(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

[(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

[(II) Representatives of institutions of higher education.

[(III) Parents.

[(IV) Practicing educators, including classroom teachers, principals, and administrators.

[(V) Representatives of business.

[(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

[(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

[(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an an-

nual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

[(1) A summary of the comprehensive center's activities during the preceding year.

[(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.]

\* \* \* \* \*

**[SEC. 204. [20 U.S.C. 9603] EVALUATIONS.**

[The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.]

**SEC. 204. EVALUATIONS.**

(a) *IN GENERAL.*—The Secretary shall—

(1) provide for ongoing summative and interim evaluations described in subsections (b) and (c), respectively, of each of the comprehensive centers established under this title in carrying out the full range of the center under this title; and

(2) transmit the results of such evaluations, through appropriate means, to the appropriate congressional committees, the Director of the Institute of Education Sciences, and the public.

(b) *SUMMATIVE EVALUATION.*—The Secretary shall ensure each comprehensive center established under this title is evaluated by an independent entity at the end of the period of the grant, contract, or cooperative agreement that established such center, which shall—

(1) be completed in a timely fashion;

(2) assess how well the center is meeting the measurable performance indicators established under section 203(b)(3); and

(3) consider the extent to which the center ensures that the technical assistance of such center is relevant and useful to the work of State and local practitioners and policymakers.

(c) *INTERIM EVALUATION.*—The Secretary shall ensure that each comprehensive center established under this title is evaluated at the midpoint of the period of the grant, contract, or cooperative agreement that established such center, which shall—

(1) assess how well such center is meeting the measurable performance indicators established under section 203(b)(3); and

(2) be used to improve the effectiveness of such center in carrying out its plan under section 203(c)(2).

\* \* \* \* \*

**SEC. 207. PRIORITIES.**

The Director and Secretary shall establish priorities for the regional educational laboratories (established under section 174 [of the Education Sciences Reform Act of 2002]) and comprehensive

centers (established under section 203 [of this title]) [to address, taking into account the regional assessments conducted under section 206 and other], *respectively, using the results of* [relevant regional surveys of educational needs, to the extent the Secretary deems appropriate] *relevant regional and national surveys of educational needs.*

\* \* \* \* \*

**SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.**

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), *the Higher Education Act of 1965* (20 U.S.C. 1001 et seq.), and *the Individuals with Disabilities Education Act* (20 U.S.C. 1400 et seq.).

*State educational agencies receiving a grant under this section may provide subgrants to local educational agencies to improve the capacity of local educational agencies to carry out the activities authorized under this section.*

(b) APPLICATIONS.— \* \* \*

(c) PERFORMANCE MANAGEMENT.—*Before awarding a grant under this section, the Secretary shall establish measurable performance indicators—*

*(1) to be used to assess the ongoing progress and performance of State educational agencies receiving a grant under this section; and*

*(2) that address paragraphs (1) through (3) of the performance management system described in section 185.*

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

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

(2) promotes the generation and accurate and timely use of data that *supports school improvement and is needed—*

(A) for States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) [and other reporting requirements and close achievement gaps; and] *and other reporting requirements, close achievement gaps, and improve teaching and school leadership;*

(B) to facilitate research to improve student academic achievement [and close achievement gaps; and], *close achievement gaps, and improve teaching and school leadership; and*

(C) *to align statewide, longitudinal data systems from early education through postsecondary education (including pre-service preparation programs), and the workforce, consistent with privacy protections under section 183;*

[(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).]

(3) ensures the protection of student privacy, and includes a review of how State educational agencies, local educational agencies, and others that will have access to the statewide, longitudinal data systems under this section will adhere to Federal privacy laws and protections, consistent with section 183, in the building, maintenance, and use of such data systems;

(4) ensures State educational agencies receiving a grant under this section support professional development that builds the capacity of teachers and school leaders to use data effectively; and

(5) gives priority to State educational agencies that leverage the use of statewide, longitudinal data systems to improve student achievement and growth, including such State educational agencies that—

(A) meet the voluntary standards and guidelines described in section 153(a)(5);

(B) define the roles of State educational agencies, local educational agencies, and others in providing timely access to data under the statewide, longitudinal data systems, consistent with privacy protections in section 183; and

(C) demonstrate the capacity to share teacher and school leader performance data, including student achievement and growth data, with local educational agencies and teacher and school leader preparation programs.

[(d)](e) SUPPLEMENT NOT SUPPLANT.— \* \* \*

(f) RENEWAL OF AWARDS.—The Secretary may renew a grant awarded to a State educational agency under this section for a period not to exceed 3 years, if the State educational agency has demonstrated progress on the measurable performance indicators established under subsection (c).

[(e)](g) REPORT.—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—

[(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;

[(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and

[(3) identifying best practices and areas for improvement.]

(g) REPORTS.—

(1) FIRST REPORT.—Not later than 1 year after the date of enactment of the Strengthening Education through Research Act, the Secretary shall prepare and make publicly available a report on the implementation and effectiveness of the activities carried out by State educational agencies receiving a grant under this section, including—

(A) information on progress in the development and use of statewide, longitudinal data systems described in this section;

(B) information on best practices and areas for improvement in such development and use; and

(C) how the State educational agencies are adhering to Federal privacy laws and protections in the building, maintenance, and use of such data systems.

(2) SUCCEEDING REPORTS.—Every succeeding 3 years after the report is made publicly available under paragraph (1), the Secretary shall prepare and make publicly available a report on the implementation and effectiveness of the activities carried out by State educational agencies receiving a grant under this section, including—

(A) information on the requirements of subparagraphs (A) through (C) of paragraph (1); and

(B) the progress, in the aggregate, State educational agencies are making on the measurable performance indicators established under subsection (c).

\* \* \* \* \*

**[SEC. 209. [20 U.S.C. 9608] AUTHORIZATION OF APPROPRIATIONS.**

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

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

There are authorized to be appropriated to carry out this title—

- (1) for fiscal year 2015, \$82,984,000;
- (2) for fiscal year 2016, \$84,643,680;
- (3) for fiscal year 2017, \$86,336,554;
- (4) for fiscal year 2018, \$88,063,285;
- (5) for fiscal year 2019, \$89,736,487; and
- (6) for fiscal year 2020, \$90,633,852.

\* \* \* \* \*

**National Assessment of Educational Progress Authorization Act**

\* \* \* \* \*

**SEC. 302. NATIONAL ASSESSMENT GOVERNING BOARD.**

(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (hereafter in this title referred to as the “Assessment Board”), which [shall formulate policy guidelines] shall oversee and set policies, in a manner consistent with subsection (e) and accepted professional standards, for the National Assessment (carried out under section 303).

(b) MEMBERSHIP.—

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

(A) \* \* \*

\* \* \* \* \*

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

(M) \* \* \*

\* \* \* \* \*

(c) TERMS.—

(1) IN GENERAL.— \* \* \*

\* \* \* \* \*

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

(d) VACANCIES.—

(1) IN GENERAL.—

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

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

(C) MAINTENANCE OF BOARD.— \* \* \*

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

(e) DUTIES.—

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

(A) *in consultation with the Commissioner for Education Statistics*, select the subject areas and grades or ages to be assessed, and determine the year in which such assessments will be conducted (consistent with section 303(b));

(B) \* \* \*

\* \* \* \* \*

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

(E) [design] *provide input on* the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject mat-

ter, sampling, and other technical experts who engage in large scale surveys;

(F) \* \* \*

\* \* \* \* \*

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

(J) provide input to the Director on annual budget requests for the National Assessment of Educational Progress; and

[(J)](K) [plan and execute the initial public release of]release the initial National Assessment of Educational Progress reports.

The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in [subparagraph (J)]subparagraph (K).

(2) DELEGATION.—\* \* \*

\* \* \* \* \*

**SEC. 303. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**

(a) ESTABLISHMENT.—The Commissioner for Education Statistics shall, [with the advice of the Assessment Board established under section 302]in a manner consistent with accepted professional standards and the policies set forth by the Assessment Board under section 302(a), carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress, which collectively refers to a national assessment, State assessments, and a long-term trend assessment in reading and mathematics.

(b) PURPOSE; STATE ASSESSMENTS.—

(1) PURPOSE.—\* \* \*

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

(A) \* \* \*

\* \* \* \* \*

(D) to the extent time and resources allow and consistent with section 302(e)(1)(A), and after the requirements described in subparagraph (B) are implemented and the requirements described in subparagraph (C) are met, conduct additional national assessments and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in grades 4, 8, and 12 in public and private elementary schools and secondary schools in regularly scheduled intervals in additional subject matter, including writing, science, history, geography, civics, economics, foreign languages, and arts, and the trend assessment described in subparagraph (F);

\* \* \* \* \*

(G) include information on special groups, including, whenever feasible, information collected, cross tabulated,

compared, and reported by race, ethnicity, socioeconomic status, gender, disability and ~~limited English proficiency~~ *English learner status*; ~~and~~

(H) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis and that includes trend lines~~;~~ *and*

(I) *determine, after taking into account section 302(e)(1)(I), the content of initial and subsequent reports of all assessments authorized under this section and ensure that such reports are valid and reliable.*

(3) STATE ASSESSMENTS.—

(A) IN GENERAL.—\* \* \*

\* \* \* \* \*

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

(A) \* \* \*

\* \* \* \* \*

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

(6) TECHNICAL ASSISTANCE.—\* \* \*

(c) ACCESS.—

(1) PUBLIC ACCESS.—

(A) IN GENERAL.—\* \* \*

\* \* \* \* \*

(2) COMPLAINTS.—

(A) IN GENERAL.—\* \* \*

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

(C) REVIEW.—\* \* \*

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

(E) COGNITIVE QUESTIONS.—

(i) IN GENERAL.—\* \* \*

\* \* \* \* \*

(d) PARTICIPATION.—

(1) VOLUNTARY PARTICIPATION.—Participation in any assessment authorized under this section shall be voluntary for students, schools, and local educational agencies, *except as re-*

quired under section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(F)).

\* \* \* \* \*

(e) STUDENT ACHIEVEMENT LEVELS.—

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

(2) DETERMINATION OF LEVELS.—

(A) IN GENERAL.—Such levels [shall—

(i) be] *shall be* determined by—

[(I)]

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

[(II)]

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

(B) NATIONAL CONSENSUS APPROACH.—[After the determinations described in subparagraph (A), devising] *The Assessment Board shall, in making the determination described in subparagraph (A), use a national consensus approach, providing for the active participation of teachers, school leaders, curriculum specialists, local school administrators, parents, and concerned members of the general public.*

(C) TRIAL BASIS.—\* \* \*

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

(E) UPDATES.—\* \* \*

\* \* \* \* \*

(g) COVERAGE AGREEMENTS.—

(1) DEPARTMENT OF DEFENSE SCHOOLS.—\* \* \*

(2) BUREAU OF INDIAN [AFFAIRS] *EDUCATION* schools.—The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian [Affairs] *Education*.

\* \* \* \* \*

**SEC. 304. DEFINITIONS.**

In this title:

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

[(2) The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

(1) *IN GENERAL.*—The terms “elementary school”, “local educational agency”, and “secondary school” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) *DIRECTOR.*—The term “Director” means the Director of the Institute of Education Sciences.

(3) *SCHOOL LEADER.*—The term “school leader” has the meaning given the term in section 102.

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

(5) *STATE.*—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

\* \* \* \* \*

#### **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

[(a) *IN GENERAL.*—There are authorized to be appropriated—  
 [(1) for fiscal year 2003—

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

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

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

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

(1) for fiscal year 2015—

(A) \$8,235,000 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) \$132,000,000 to carry out section 303 (relating to the National Assessment of Educational Progress);

(2) for fiscal year 2016—

(A) \$8,399,700 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) \$134,640,000 to carry out section 303 (relating to the National Assessment of Educational Progress);

(3) for fiscal year 2017—

(A) \$8,567,694 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) \$137,332,800 to carry out section 303 (relating to the National Assessment of Educational Progress);

(4) for fiscal year 2018—

(A) \$8,739,048 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) \$140,079,456 to carry out section 303 (relating to the National Assessment of Educational Progress);

(5) for fiscal year 2019—

(A) \$8,905,090 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) \$142,740,966 to carry out section 303 (relating to the National Assessment of Educational Progress); and

(6) for fiscal year 2020—

(A) \$8,994,141 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) \$144,168,376 to carry out section 303 (relating to the National Assessment of Educational Progress).

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

\* \* \* \* \*

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