

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4875
OFFERED BY MR. CASTLE**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

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

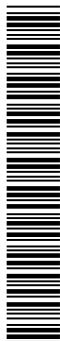
- Sec. 101. National Academy for Education Research, Statistics, Evaluation, and Information.
- Sec. 102. National Board for Education Research, Statistics, Evaluation, and Information.
- Sec. 103. National Education Library and Clearinghouse Office.
- Sec. 104. Regional research and technical assistance.

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

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

CHAPTER 1—NATIONAL CENTER FOR EDUCATION RESEARCH

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



Sec. 208. Standards for conduct and evaluation of research.

CHAPTER 2—NATIONAL CENTER FOR PROGRAM EVALUATION

- Sec. 211. Establishment.
- Sec. 212. Commissioner; staff.
- Sec. 213. Duties.
- Sec. 214. Independent review panels.
- Sec. 215. Authority to publish.

CHAPTER 3—NATIONAL CENTER FOR EDUCATION STATISTICS

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

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

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

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Repeals.
- Sec. 302. Effective Dates.

1 **SEC. 2. DEFINITIONS.**

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

3 (1) **SCIENTIFICALLY VALID RESEARCH.**—The

4 term “scientifically valid research” includes applied

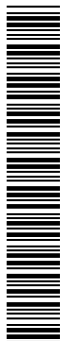
5 research, basic research, and field-initiated research

6 whose rationale, design, and interpretation is sound-

7 ly developed in accordance with scientifically based

8 quantitative research standards and scientifically

9 qualitative research standards as defined in this Act.



1 (2) BASIC RESEARCH.—The term “basic re-
2 search” means research to gain fundamental knowl-
3 edge or understanding of phenomena and observable
4 facts without specific application toward processes or
5 products and for the advancement of knowledge in
6 the field of education.

7 (3) APPLIED RESEARCH.—The term “applied
8 research” means research to gain knowledge or un-
9 derstanding necessary for determining the means by
10 which a recognized and specific need may be met
11 and is specifically directed to discovery of new
12 knowledge which has as an objective the improve-
13 ment of basic academic skills.

14 (4) FIELD-INITIATED RESEARCH.—The term
15 “field-initiated research” means basic research or
16 applied research in which topics and methods of
17 study are generated by investigators, including
18 teachers and other practitioners, and which conform
19 to scientifically valid research.

20 (5) SCIENTIFICALLY BASED QUANTITATIVE RE-
21 SEARCH STANDARDS.—The term “scientifically
22 based quantitative research standards”—

23 (A) means the application of rigorous, sys-
24 temic, and objective procedures to obtain valid



1 knowledge relevant to education activities and
2 programs; and

3 (B) includes research that—

4 (i) employs systematic, empirical
5 methods that draw on observation or ex-
6 periment;

7 (ii) involves rigorous data analyses
8 that are adequate to test the stated
9 hypotheses and justify the general conclu-
10 sions drawn;

11 (iii) relies on measurements or obser-
12 vational methods that provide valid data
13 across evaluators and observers and across
14 multiple measurements and observations
15 and across studies by the same or different
16 investigators;

17 (iv) is evaluated using experimental
18 designs in which individuals, entities, pro-
19 grams, or activities are assigned to dif-
20 ferent conditions with appropriate controls
21 to evaluate the effects of the condition of
22 interest through random assignment ex-
23 periments, or other designs to the extent
24 such designs contain within-condition or
25 across-condition controls; and



1 (v) ensure experimental studies are
2 presented in sufficient detail and clarity to
3 allow for replication, or at a minimum
4 offer the opportunity to build systemati-
5 cally on its findings.

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

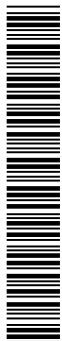
9 (A) means the systematic collection and
10 analysis of data often associated with traditions
11 of inquiry historically based in the humanities;
12 and

13 (B) includes research that—

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

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

23 (iii) may include case studies,
24 ethnographies, life histories, multi-site case



1 studies, and participatory action research;
2 and

3 (iv) uses approaches to assess the ex-
4 perimental knowledge acquired to assure
5 that the findings are scientifically valid
6 and replicable.

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

9 (A) means program evaluation that—

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

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

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

22 (iv) produces or leads to findings that
23 are broadly generalizable; and



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

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

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

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

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

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

22 (8) DEVELOPMENT.—The term “development”
23 is the systematic use of knowledge or understanding
24 gained from the findings of scientifically valid re-
25 search that may prove useful in areas such as the



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

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

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

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

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

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



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

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

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

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

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

23 (A) except as provided in subparagraph
24 (B), mean each of the 50 States, the District
25 of Columbia, the Commonwealth of Puerto



1 Rico, Guam, American Samoa, the Virgin Is-
 2 lands, and the Commonwealth of the Northern
 3 Mariana Islands; and

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

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

13 (19) TECHNICAL ASSISTANCE.—The term
 14 “technical assistance” means—

15 (A) assistance in identifying, selecting, or
 16 designing solutions based on scientifically valid
 17 research to address educational problems, plan-
 18 ning, and design that leads to adapting such
 19 knowledge to school practice, training to imple-
 20 ment such solutions, and other assistance nec-
 21 essary to encourage adoption or application of
 22 such research; and

23 (B) assistance in interpreting, analyzing,
 24 and in utilizing statistics and evaluations.



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

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated for each of the fiscal years 2002 through 2006
4 \$368,580,000 to carry out titles I and II, of which—

5 (1) \$10,000,000, shall be made available for the
6 Director to carry out title I, except for sections 103
7 and 104;

8 (2) \$22,800,000, shall be made available to
9 carry out section 103 of title I;

10 (3) \$118,000,000, shall be made available to
11 carry out subsections (a) and (b) of section 104, of
12 which not less than 10 percent of the amount made
13 available under this paragraph shall be made avail-
14 able for such subsection (b);

15 (4) \$84,800,000, shall be made available to the
16 Commissioner of Research to carry out chapter 1 of
17 subtitle A of title II;

18 (5) \$25,000,000, shall be made available to the
19 Commissioner of Evaluation to carry out chapter 2
20 of subtitle A of title II;

21 (6) \$68,000,000, shall be made available to the
22 Commissioner of Statistics to carry out chapter 3 of
23 subtitle A of title II;

24 (7) \$4,000,000, shall be made available to the
25 National Assessment Governing Board to carry out
26 section 251 of subtitle B of title II; and



1 (8) \$36,000,000, shall be made available to the
 2 National Assessment Governing Board to carry out
 3 the National Assessment for Educational Progress
 4 in section 252 of subtitle B of title II.

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

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

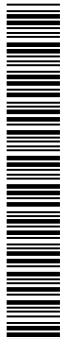
11 **SEC. 101. NATIONAL ACADEMY FOR EDUCATION RE-**
 12 **SEARCH, STATISTICS, EVALUATION, AND IN-**
 13 **FORMATION.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—Title II of the Department
 16 of Education Organization Act (20 U.S.C. 3401 et
 17 seq.) is amended—

18 (A) by redesignating section 217 as section
 19 218;

20 (B) by inserting after section 216 the fol-
 21 lowing:



1 **“SEC. 217. NATIONAL ACADEMY FOR EDUCATION, RE-**
2 **SEARCH, STATISTICS, EVALUATION, AND IN-**
3 **FORMATION.**

4 “(a) ESTABLISHMENT.—There shall be, in the De-
5 partment, a National Academy for Education Research,
6 Statistics, Evaluation, and Information to be administered
7 by a Director appointed under section 101(c) of the Sci-
8 entifically Based Education Research, Statistics, Evalua-
9 tion, and Information Act of 2000.

10 “(b) DELEGATION.—Notwithstanding the provisions
11 of section 412 of the Department of Education Organiza-
12 tion Act, the Secretary shall delegate to the Director all
13 functions for carrying out the Scientifically Based Edu-
14 cation, Research, Statistics, Evaluation, and Information
15 Act of 2000, and which shall also include any powers, au-
16 thorities, responsibilities, and functions held or delegated
17 by the Secretary with respect to the programs and provi-
18 sions repealed in title III of the Scientifically Based Edu-
19 cation, Research, Statistics, Evaluation, and Information
20 Act of 2000 as such powers, authorities, responsibilities
21 and functions existed on the day preceding the date of en-
22 actment of the Scientifically Based Education, Research,
23 Statistics, Evaluation, and Information Act of 2000.”.

24 (2) BOARD AND DIRECTOR.—The National
25 Academy for Education Research, Statistics, Evalua-
26 tion, and Information established under section 217



1 of the Department of Education Organization Act,
2 shall have a board of directors and shall be adminis-
3 tered in accordance with the provisions of this Act
4 under the supervision and direction of a Director.

5 (b) MISSION.—The Academy is charged by Congress
6 to ensure all research, evaluation, statistics, and dissemi-
7 nation activities supported by Federal funds through the
8 Academy conform to high standards of quality, integrity,
9 and accuracy, and are free from ideological agendas and
10 undue political influence, in order to provide parents, edu-
11 cators, students, researchers, policymakers, and the gen-
12 eral public, with reliable information about the condition
13 and progress of education in the United States, edu-
14 cational practices that improve academic achievement, and
15 the effectiveness of Federal education programs.

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

20 (d) QUALIFICATIONS.—The Director shall be selected
21 from individuals who are highly qualified authorities in the
22 fields of research, statistics, evaluation methodology, edu-
23 cation, as well as management within such areas, and have
24 a demonstrated capacity for sustained productivity and
25 leadership in these areas.



1 (e) PERSONNEL.—Consistent with title 5, United
2 States Code, the Director may appoint and fix the pay
3 of such staff as the Director determines to be necessary
4 to carry out the functions of the Academy which may in-
5 clude, as reasonably required by the Director, the hiring
6 of certain scientific or technical employees for limited peri-
7 ods of time, without regard to the provisions of title 5,
8 United States Code, governing appointment in the com-
9 petitive service, and the provisions of chapter 51 and sub-
10 chapter III of chapter 53 of such title relating to classi-
11 fication and General Schedule pay rates.

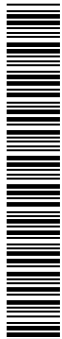
12 (f) RESPONSIBILITIES OF DIRECTOR.—It shall be the
13 responsibility of the Director to—

14 (1) approve the broad policy and agenda of the
15 Academy, including, the general areas of research to
16 be carried out by the National Center of Education
17 Research, as developed by the Board pursuant to
18 section 102(b);

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

21 (3) coordinate and approve budgets as sub-
22 mitted by the Commissioners of each of the Centers
23 within the Academy;

24 (4) ensure the methodology applied in con-
25 ducting research, evaluation, and statistical analysis



1 is consistent with the relevant standards and defini-
2 tions of such activities under this Act;

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

5 (6) coordinate program evaluation activities and
6 funding with the Secretary;

7 (7) coordinate evaluation activities of this title
8 with the Secretary of Education;

9 (8) submit nominations to the Secretary for the
10 appointment of members of the boards and commit-
11 tees within the Academy in accordance with this Act
12 with the exception of the Board appointed under sec-
13 tion 102; and

14 (9) carry out other activities pursuant to this
15 Act.

16 (g) INTERAGENCY ACCESS.—The Secretary of Edu-
17 cation, in consultation with the Director, shall ensure that
18 the Department of Education and each of the Centers
19 within the Academy use common sources of data in stand-
20 ardized formats.

21 (h) PUBLIC ACCESS.—The Director shall ensure that
22 the Commissioner of each Center establishes and main-
23 tains a regular schedule of data releases for all of the in-
24 formation it collects in order to carry out the missions of
25 the Centers. Data collected for statistical, research, and



1 evaluation purposes shall be archived in electronic format
2 and made accessible to the public in a timely fashion.

3 (i) CONFIDENTIALITY.—All collection, maintenance,
4 use, and dissemination of data by the Academy shall con-
5 form with the requirements of the Privacy Act of 1974
6 and the confidentiality requirements under section 229 of
7 this Act.

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

11 (k) NO PROGRAM OPERATION.—The Secretary of
12 Education shall not assign the Academy or the Centers
13 within the Academy, responsibility for administering other
14 programs and activities of the Department unless the Di-
15 rector determines that such programs or activities relate
16 directly to the functions of the Academy or such Centers.

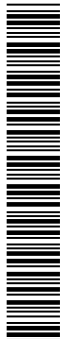
17 **SEC. 102. NATIONAL BOARD FOR EDUCATION RESEARCH,**

18 **STATISTICS, EVALUATION, AND INFORMA-**

19 **TION.**

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

23 (b) GENERAL FUNCTIONS.—The responsibility of the
24 Board shall be to—



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

6 (2) review and regularly evaluate the work of
 7 the Academy to ensure that research, evaluation,
 8 and statistical analysis is consistent with standards
 9 and definitions of such activities under this Act;

10 (3) ensure activities carried out under the
 11 Academy are not subject to partisan or political in-
 12 fluence; and

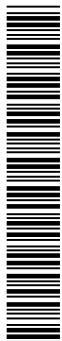
13 (4) provide advice and expertise to the Director
 14 on general policies with respect to the duties of the
 15 Academy; and

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

18 (c) COMPOSITION OF BOARD.—

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

21 (A) 1 member shall be the Commissioner
 22 for Education Research appointed under section
 23 203(a);



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

4 (C) 1 member shall be the Commissioner
5 for Education Statistics appointed under sec-
6 tion 224(a);

7 (D) 1 member shall be the Secretary of
8 Education;

9 (E) 1 member shall be the Director of the
10 National Institute of Child Health and Human
11 Development;

12 (F) 1 member shall be the Director of the
13 Census;

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

16 (H) 1 member shall be the President of the
17 National Academy of Sciences;

18 (I) 3 members shall be appointed by the
19 President;

20 (J) 4 members shall be appointed by the
21 Speaker of the House, 2 such members shall be
22 selected from recommendations made by the
23 majority leader of the House and 2 such mem-
24 bers shall be selected from recommendations
25 made by the minority leader of the House; and



1 (K) 4 members shall be appointed by the
2 President pro tempore of the Senate, of whom
3 2 such members shall be selected from rec-
4 ommendations made by the majority leader of
5 the Senate and 2 such members shall be se-
6 lected from recommendations made by the mi-
7 nority leader of the Senate.

8 (2) APPOINTED MEMBERSHIP.—Individuals ap-
9 pointed under subparagraphs (I), (J), and (K) of
10 paragraph (1), shall include individuals from each of
11 the following groups—

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

14 (B) parents;

15 (C) business leaders; and

16 (D) researchers.

17 (3) TERMS.—Members of the Board appointed
18 under subparagraphs (I), (J), and (K) of paragraph
19 (1), shall, as designated by a random selection proc-
20 ess at the time of appointment, be as follows:

21 (A) 5 years for each of 4 members of the
22 Board;

23 (B) 4 years for each of 4 members of the
24 Board; and



1 (C) 3 years for each of 3 members of the
2 Board.

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

6 (5) CHAIRPERSON.—The Board shall annually
7 elect a Chairperson from among the members of the
8 Board.

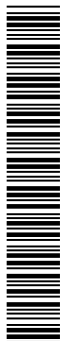
9 (6) COMPENSATION.—Except as provided in the
10 following sentence, members of the Board shall serve
11 without pay. Members of the Board who are officers
12 or employees of the United States may not receive
13 additional pay, allowances, or benefits by reason of
14 their service on the Board.

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

20 (8) EXECUTIVE DIRECTOR AND STAFF.—

21 (A) IN GENERAL—The Board shall have
22 an Executive Director who shall be appointed
23 by the Board.

24 (B) STAFF.—Consistent with title 5,
25 United States Code, the Executive Director



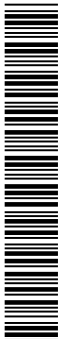
1 may appoint and fix the pay of such staff as
2 the Executive Director determines to be nec-
3 essary to carry out the functions of the Board
4 which may include, as reasonably required by
5 the Executive Director, the hiring of certain sci-
6 entific or technical employees for limited peri-
7 ods of time, without regard to the provisions of
8 title 5, United States Code, governing appoint-
9 ment in the competitive service, and the provi-
10 sions of chapter 51 and subchapter III of chap-
11 ter 53 of such title relating to classification and
12 General Schedule pay rates.

13 (9) MEETINGS.—The Board shall meet not less
14 than 4 times each year. The Board shall hold addi-
15 tional meetings at the call of the Chairperson of the
16 Board or upon the request in writing of 6 members
17 of the Board.

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

20 **SEC. 103. NATIONAL EDUCATION LIBRARY AND CLEARING-**
21 **HOUSE OFFICE.**

22 (a) ESTABLISHMENT.—There is established, within
23 the Academy a National Education Library and Clearing-
24 house Office (in this section referred to as the “Library”)



1 which shall be headed by a Deputy Director appointed by
2 the Director.

3 (b) GENERAL DUTIES.—The duties of the Library
4 shall be to collect, assess, and archive all products and
5 publications developed through or supported by the Acad-
6 emy, as well as other relevant and useful educational re-
7 lated research information, projects, and publications de-
8 veloped by the Department of Education, other Federal
9 agencies, or other entities, and make such information ac-
10 cessible in a user-friendly, timely, and efficient manner,
11 including through the Internet, to schools, educators, par-
12 ents, administrators, policymakers, entities responsible for
13 carrying out technical assistance through the Department
14 of Education, and the general public.

15 (c) ADDITIONAL REQUIREMENTS.—In carrying out
16 the duties under subsection (b), the Deputy Director
17 shall—

18 (1) ensure that information disseminated under
19 this section is completed in a cost-effective, non-
20 duplicative manner which may be through the estab-
21 lishment or continuation of individual clearing-
22 houses, to the extent determined appropriate by the
23 Deputy Director; and

24 (2) ensure that all information disseminated re-
25 flects the best information available from research



1 and practice which, at a minimum, shall include in-
2 formation in the core academic areas, including
3 reading, writing, mathematics, and science.

4 **SEC. 104. REGIONAL RESEARCH AND TECHNICAL ASSIST-**
5 **ANCE.**

6 (a) REGIONAL RESEARCH AND ASSISTANCE.—

7 (1) IN GENERAL.—The Director of the Acad-
8 emy shall—

9 (A) establish, oversee, and coordinate a na-
10 tionwide, regional network of entities authorized
11 to provide comprehensive applied research, de-
12 velopment, and technical assistance and pro-
13 mote reform initiatives to States, local edu-
14 cational agencies, schools, tribes, community-
15 based organizations, and other appropriate enti-
16 ties;

17 (B) in identifying not more than 10 re-
18 gional areas of the United States to make up
19 such network, utilize the geographic regions es-
20 tablished under section 941(h)(2) of Public Law
21 103–227, as such Act was in effect on Sep-
22 tember 30, 2000.

23 (2) REGIONAL BOARDS.—Each region referred
24 to in paragraph (1)(B) shall be governed by a re-
25 gional board which shall be established by the Gov-



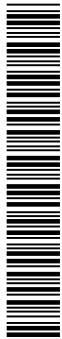
1 errors in consultation with the State educational
2 agencies in such region. The membership of such
3 board shall not exceed 25 members, shall represent
4 a balance representation of States in the region and
5 consist of the following individuals:

6 (A) not more than one representative of
7 each State educational agency geographically lo-
8 cated in the region;

9 (B) representatives of local educational
10 agencies, who shall be selected jointly by the
11 Governors and the chief state school officers in
12 such States represented by such region and
13 shall include representatives of urban and rural
14 areas;

15 (C) representatives of institutions of higher
16 education, including individuals representing
17 university-based education research, and univer-
18 sity-based research other than education, who
19 shall be selected jointly by the Governors and
20 the chief state school officers from the States
21 represented by such region;

22 (D) parents, who shall be selected jointly
23 by the Governors and the chief state school offi-
24 cers in such States represented by such region;



1 (E) practicing educators, including class-
2 room teachers, principals, administrators,
3 school board members, and other local school
4 officials, who shall be selected jointly by the
5 Governors and the chief state school officers in
6 such States represented by such region;

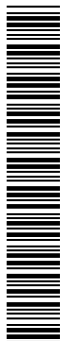
7 (F) representatives of business, who shall
8 be selected jointly by the Governors and the
9 chief state school officers in such States rep-
10 resented by such region; and

11 (G) researchers, who shall be selected
12 jointly by the Governors and the chief state
13 school officers in such States represented by
14 such .

15 (3) SPECIAL RULE.—The number of members
16 on each such board selected under subparagraphs
17 (B), (D), and (E) collectively, shall total more than
18 those selected under subparagraphs (A), (C), (F),
19 and (G), collectively.

20 (4) PLAN.—Each regional board shall—

21 (A) develop a plan for identifying and serv-
22 ing the needs of all States within the region by
23 conducting a survey of the educational needs,
24 strengths, and weaknesses within the region, in-
25 cluding a process of open hearings to solicit the



1 views and needs of schools, public charter
2 schools, teachers, administrators, parents, local
3 educational agencies, librarians, businesses,
4 State educational agencies and other customers
5 within the region;

6 (B) forward such plan to the Director of
7 the National Academy for Education Research,
8 Statistics, Evaluation, and Information and the
9 Commissioner of Education Research to assist
10 in making decisions regarding the national pri-
11 orities within education research;

12 (C) be the sole entity that guides and di-
13 rects entities in paragraph (6)(A)(i) in carrying
14 out the provisions of this paragraph, satisfying
15 the terms and conditions of their contract
16 award and determining the regional agenda and
17 mission of such entities;

18 (D) ensure that the entities in paragraph
19 (6)(A)(i) attain and maintain a high level of
20 quality of the entities' work;

21 (E) establish standards to ensure that each
22 entity in paragraph (6)(A)(i) has strong and ef-
23 fective governance, organization, management,
24 and administration, and employs qualified staff;
25 and



1 (F) directs each entity in paragraph
2 (6)(A)(i) to carry out its duties in a manner
3 that will make progress toward reforming
4 schools and educational systems.

5 (5) APPLIED RESEARCH, DEVELOPMENT, DIS-
6 SEMINATION AND TECHNICAL ASSISTANCE.—Based
7 upon the plan described in paragraph (4), each re-
8 gional board shall carry out comprehensive applied
9 research, development, dissemination, and technical
10 assistance and reform initiatives, which, at a min-
11 imum, shall include—

12 (A) the dissemination of research, informa-
13 tion, products, and publications developed
14 through or supported by the Department of
15 Education, including the National Academy for
16 Education Research, Statistics, Evaluation, and
17 Information, to schools, educators, parents and
18 policymakers throughout the United States, in-
19 cluding, at a minimum, information related to
20 the core academic areas of mathematics,
21 science, reading, as well as education tech-
22 nology;

23 (B) training and technical assistance to
24 State educational agencies, local educational
25 agencies, schools, public charter schools, tribes,



1 community-based organizations, and other ap-
2 propriate entities, in areas which, at a min-
3 imum, shall include—

4 (i) the administration and implemen-
5 tation of programs under the Elementary
6 and Secondary Education Act of 1965;

7 (ii) the implementation of effective
8 school wide programs under title I of the
9 Elementary and Secondary Education Act
10 of 1965;

11 (iii) assistance for the implementation
12 of teaching methods and assessment tools
13 based upon scientifically valid education re-
14 search for use by students, teachers, and
15 administrators, including, at a minimum,
16 assistance related to the core academic
17 areas, including mathematics, science,
18 reading, as well as education technology;
19 and

20 (iv) the provision of education prod-
21 ucts based upon scientifically based edu-
22 cation research in a usable form in order
23 to promote school improvement and aca-
24 demic achievement and to correct edu-
25 cational deficiencies; and



1 (v) the facilitation of communication
2 between educational experts, school offi-
3 cials, and teachers, parents, and librarians;

4 (C) applied research projects designed to
5 serve the particular needs of the region if qual-
6 ity applied research does not exist as deter-
7 mined by the regional board, and reflect find-
8 ings from scientifically valid research resulting
9 in user-friendly, replicable, classroom applica-
10 tions geared toward promoting increased stu-
11 dent achievement; and

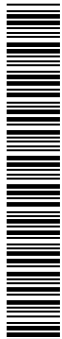
12 (D) the use of applied research to assist in
13 solving site-specific problems and to assist in
14 development activities.

15 (6) AUTHORITY.—

16 (A) IN GENERAL.—To carry out the activi-
17 ties described in paragraph (5), each regional
18 board shall—

19 (i) enter into contracts with entities
20 on a competitive basis, to provide services
21 under this subsection, through not less
22 than—

23 (I) 1 entity whose primary duties
24 shall include those described in para-



1 graphs (5)(A), (5)(B)(iii), (5)(B)(iv),
2 (5)(B)(v), (5)(C), and (5)(D); and
3 (II) 1 entity whose primary du-
4 ties shall include those described in
5 paragraphs (5)(B)(i) and (5)(B)(ii);
6 and
7 (III) of which at least one of the
8 entities described in subclauses (I)
9 and (II) shall be a non-profit entity;
10 (ii) provide grants or enter into con-
11 tracts or cooperative agreements, each of
12 which shall be on a competitive basis, with
13 private or public, for profit, or nonprofit
14 research organizations, institutions, agen-
15 cies, institutions of higher education, indi-
16 viduals, or partnerships among such enti-
17 ties, with the demonstrated ability or ca-
18 pacity to carry out the duties under this
19 subsection, which may also include entities
20 that carried out, on the day preceding the
21 date of the enactment of the Scientifically
22 Based Education Research, Statistics,
23 Evaluation, and Information Act, activities
24 under—



1 (I) part A of title XIII of the El-
2 elementary and Secondary Education
3 Act of 1965, Comprehensive Regional
4 Assistance Centers;

5 (II) part C of title XIII of the
6 Elementary and Secondary Education
7 Act of 1965, Eisenhower Regional
8 Mathematics and Science Education
9 Consortia;

10 (III) part D of title XIII of the
11 Elementary and Secondary Education
12 Act of 1965, Technology-Based Tech-
13 nical Assistance;

14 (IV) section 931(c)(1)(B) of Pub-
15 lic Law 103-227, National Research
16 and Development Centers; and

17 (V) section 941(h) of Public Law
18 103-227, Regional Educational Lab-
19 oratories for Research, Development,
20 Dissemination, and Technical Assist-
21 ance.

22 (B) OBJECTIVES AND INDICATORS.—Prior
23 to making a grant under subparagraph (A)(ii),
24 the board shall design specific objectives and
25 measurable indicators to be used to assess the



1 particular program or initiatives and ongoing
2 progress and performance to ensure the needs
3 of the region are being met and that the latest
4 and best research and proven practices are
5 being carried out as part of school improvement
6 efforts;

7 (C) PRIORITY.—In carrying out activities
8 under this section, each regional board shall
9 give priority to—

10 (i) schools with high percentages or
11 numbers of students from low-income fam-
12 ilies, as determined under section
13 1113(a)(5) of the Elementary and Sec-
14 ondary Education Act, including such
15 schools in rural and urban areas, and
16 schools participating in schoolwide pro-
17 grams under title I of the Elementary and
18 Secondary Education Act of 1965 (20
19 U.S.C. 6301 et seq.); and

20 (ii) local educational agencies in which a high
21 percentage or numbers of school age children are
22 from low-income families, as determined under sec-
23 tion 1124(c)(1)(A) of the Elementary and Secondary
24 Education Act, including such local educational
25 agencies in rural and urban areas.



1 (D) OTHER DUTIES.—Each regional board
2 also shall—

3 (i) have the authority to accept gifts,
4 in kind contributions, services, or other as-
5 sistance to enable expansion and contin-
6 uous improvement of its activities; and

7 (ii) ensure its activities meet the ap-
8 plicable standards of quality and the needs
9 of the region;

10 (iii) establish such governance, organi-
11 zation, management, administration, and
12 employ such qualified staff as it considers
13 appropriate to carry out its activities.

14 (iv) provide services and conduct ac-
15 tivities using the highest quality and most
16 cost effective strategies possible; and

17 (v) assure that each of the entities
18 funded under this section coordinate their
19 activities.

20 (7) FUNDING.—

21 (A) IN GENERAL.—From funds made
22 available under section 3(a)(3), the Secretary
23 shall provide each regional board submitting an
24 application under subparagraph (B), an amount
25 approximate to the level of funding received by



1 such region or similar region, under prior re-
 2 gional assistance programs as described under
 3 paragraph (6)(A)(ii), of which not more than
 4 10 percent shall be used for indirect costs using
 5 generally accepted accounting principles.

6 (B) APPLICATION.—Each regional board
 7 seeking funds under this section shall submit an
 8 application, to the Director for approval, which
 9 shall—

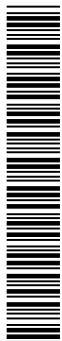
10 (i) describe how the board will carry
 11 out the activities in accordance with this
 12 paragraph; and

13 (ii) provide an assurance that the re-
 14 gional board will give priority in providing
 15 services to the schools and school districts
 16 described in paragraph (6)(C);

17 (iii) contain such additional informa-
 18 tion as the Director may reasonably re-
 19 quire.

20 (8) COORDINATION.—In order to assure coordi-
 21 nation and prevent unnecessary duplication of activi-
 22 ties among the regions, the Director shall establish
 23 and maintain a system to—

24 (A) share information about the activities
 25 of each region;



1 (B) plan joint activities that meet the
2 needs of multiple regions;

3 (C) create a strategic plan for the develop-
4 ment of activities undertaken by the each re-
5 gion to reduce redundancy and increase collabo-
6 ration and resource-sharing in such activities;
7 and

8 (D) devise means by which the work of the
9 individual regions serve national, as well as re-
10 gional education needs.

11 (9) EVALUATION.—The Director shall provide
12 for ongoing independent evaluations of the regions
13 in carrying out the duties of this subsection, the re-
14 sults of which shall be transmitted to the relevant
15 committees of Congress and the National Board for
16 Education Research, Statistics, Evaluation, and In-
17 formation. Such evaluation shall include an analysis
18 of the services provided under this subsection, the
19 extent to which the region has met the objectives of
20 its plan submitted pursuant to paragraph (4)(A),
21 and whether such services have met the needs of
22 local educational agencies and schools in the region,
23 including those local educational agencies and
24 schools described under paragraph (6)(C).



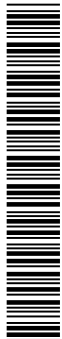
1 (b) SCHOOL-BASED CUSTOMER DRIVEN TECHNICAL
2 ASSISTANCE.—

3 (1) RESERVATION.—From funds made available
4 under section 3(a)(3), for any fiscal year, and after
5 reserving 1 percent of such funds for grants to Bu-
6 reau funded schools and the outlying areas, the Sec-
7 retary shall award grants to State educational agen-
8 cies on a competitive basis consistent with this sub-
9 section.

10 (2) STATE APPLICATION.—Each eligible State
11 desiring a grant under this subsection shall submit
12 an application to the Secretary at such time, in such
13 manner, and containing such information the Sec-
14 retary may require. Each such application shall de-
15 scribe how—

16 (A) the eligible State shall give priority to—

17 (i) schools with high percentages or
18 numbers of students from low-income fam-
19 ilies, as determined under section
20 1113(a)(5) of the Elementary and Sec-
21 ondary Education Act, including such
22 schools in rural and urban areas, and
23 schools participating in schoolwide pro-
24 grams under title I of the Elementary and



1 Secondary Education Act of 1965 (20
2 U.S.C. 6301 et seq.);

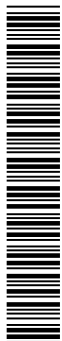
3 (ii) local educational agencies in which
4 a high percentage or numbers of schoolage
5 children are from low-income families, as
6 determined under section 1124 (c)(1)(A) of
7 the Elementary and Secondary Education
8 Act, including such local educational agen-
9 cies in rural and urban areas.

10 (B) the State will help educators become
11 better consumers of education research by as-
12 sisting them in evaluating the quality of re-
13 search;

14 (C) the eligible State shall ensure that ac-
15 tivities are coordinated with the services avail-
16 able under the National Education Library and
17 Clearinghouse Office and the regional boards
18 established in subsection (b); and

19 (D) assist schools in evaluating education
20 services to ensure they are cost-effective and re-
21 flect the best information available for research
22 and practice based upon scientifically valid re-
23 search;

24 (3) LOCAL GRANTS.—



1 (A) IN GENERAL.—Each eligible State that
2 receives a grant under this subsection shall use
3 not less than 95 percent of such funds to award
4 grants on a competitive basis to local edu-
5 cational agencies to provide such agencies with
6 the opportunity to choose technical assistance
7 from high quality providers able to meet the
8 particular needs of such agency with a priority
9 for local educational agencies in which a high
10 percentage or number of school age children are
11 from low-income families, as determined under
12 section 1124 (c)(1)(A) of the Elementary and
13 Secondary Education Act, including such local
14 educational agencies in rural and urban areas.

15 (B) LOCAL APPLICATION.—Each local edu-
16 cational agency that desires a grant under this
17 subsection shall submit an application to the
18 State at such time, in such manner, and con-
19 taining such information as the Secretary may
20 require. Each application shall describe—

- 21 (i) the local educational agency's need
22 for technical assistance; and
23 (ii) how the local educational agency
24 will use funds provided under this sub-
25 section to coordinate all its various sources



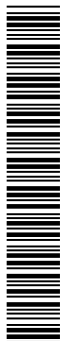
1 of funds for technical assistance into an in-
2 tegrated system for acquiring and using
3 outside technical assistance and other
4 means of building its own capacity to pro-
5 vide the opportunity for all children to
6 achieve to challenging State academic con-
7 tent standards.

8 (C) LOCAL USES OF FUNDS.—Each local
9 educational agency receiving funds under this
10 subsection may use such funds to—

11 (i) build capacity to use technical as-
12 sistance funds provided under this sub-
13 section effectively through the acquisition
14 of technical assistance based upon scientif-
15 ically valid education research.

16 (ii) develop, coordinate, and imple-
17 ment an integrated system of providing
18 technical assistance to its schools using all
19 available sources of funds provided for
20 technical assistance; and

21 (iii) acquire the technical assistance
22 the agency needs to increase opportunities
23 for all children to achieve to challenging
24 State academic content standards.”.



1 (c) DEFINITION.—For the purpose of this section,
2 the term eligible state” means—

3 (1) the Governor of the State; or

4 (2) in the case of a State for which the con-
5 stitution or law of such State designates another in-
6 dividual, entity, or agency in the State to be respon-
7 sible for education, such individual, entity, or agen-
8 cy.

9 **TITLE II—NATIONAL CENTERS**
10 **FOR EDUCATION RESEARCH,**
11 **EVALUATION, AND STATIS-**
12 **TICS; NATIONAL ASSESSMENT**
13 **GOVERNING BOARD**

14 **Subtitle A—National Centers for**
15 **Education Research, Evalua-**
16 **tion, and Statistics**

17 **CHAPTER 1—NATIONAL CENTER FOR**
18 **EDUCATION RESEARCH**

19 **SEC. 201. DECLARATION OF POLICY.**

20 The Congress declares the following:

21 (1) It is the policy of the United States that
22 education is the primary responsibility of the States
23 and the people.

24 (2) The role of the Federal Government is to
25 supplement education efforts at the State and the



1 local levels, especially in areas where students are
2 most disadvantaged.

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

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

9 **SEC. 202. ESTABLISHMENT.**

10 (a) ESTABLISHMENT—There is established, within
11 the National Academy for Education Research, Evalua-
12 tion, Statistics, and Information established under title I
13 of this Act, a National Center for Education Research
14 (hereafter in this chapter referred to as the “Center”).

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

17 (1) expanding fundamental knowledge and un-
18 derstanding of education, particularly to improve the
19 teaching and learning of reading, writing, mathe-
20 matics, science, and other academic subjects;

21 (2) using accepted practices of scientific inquiry
22 to obtain knowledge, comprehension or under-
23 standing of the truth of a particular educational the-
24 ory, practice or condition; and



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

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

5 (a) COMMISSIONER.—The Center shall be headed by
6 a Commissioner of Education Research (hereafter in this
7 chapter referred to as the “Commissioner”) who shall be
8 appointed by the President, by and with the advice and
9 consent of the Senate, and who—

10 (1) shall have substantial knowledge of pro-
11 grams assisted by the Center, including a high level
12 of expertise in the field of research and research
13 management;

14 (2) shall be paid in accordance with section
15 5315 of title 5, United States Code; and

16 (3) shall serve a term of six years, with the
17 terms to expire every sixth July 1, beginning in
18 2001.

19 (b) SENIOR SCIENTIST.—The Commissioner shall ap-
20 point a Senior Scientist to serve as the senior research
21 expert in the Center to advise the Commissioner and staff
22 of the Center on—

23 (1) scientific and technical standards to govern
24 the activities of the Center and the research it sup-
25 ports;



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

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

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

7 (c) STAFF.—Consistent with title 5, United States
8 Code, the Commissioner may appoint and fix the pay of
9 such staff as the Commissioner determines to be necessary
10 to carry out the functions of the Center which may in-
11 clude, as reasonably required by the Commissioner, the
12 hiring of certain scientific or technical employees for lim-
13 ited periods of time, without regard to the provisions of
14 title 5, United States Code, governing appointment in the
15 competitive service, and the provisions of chapter 51 and
16 subchapter III of chapter 53 of such title relating to classi-
17 fication and General Schedule pay rates.

18 **SEC. 204. DUTIES.**

19 (a) GENERAL DUTIES—The duties of the Commis-
20 sioner are—

21 (1) to maintain published peer review standards
22 and standards for the conduct and evaluation of all
23 research, development, and dissemination carried out
24 under the auspices of the Center pursuant to the
25 provisions of this chapter;

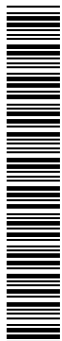


1 (2) to approve and carry out the specific long-
2 term priorities as developed by the Committee for
3 Education Research established under section 205
4 based upon the general priorities set forth by the
5 National Academy for Education Research, Evalua-
6 tion, Statistics, and Information;

7 (3) to develop a research plan, based upon the
8 priorities described in paragraph (2), which shall be
9 carried out pursuant to paragraph (4), and as
10 deemed appropriate by the Commissioner, be up-
11 dated and modified to reflect findings from the eval-
12 uative summaries conducted under subsection (b),
13 the Regional Board Reports described under 208 of
14 the Department of Education Organization Act (20
15 U.S.C. 3419) (as amended by section 301 of this
16 Act), and other appropriate information;

17 (4) to enter into contracts, grants, or coopera-
18 tive agreements in accordance with section 208(b),
19 at an amount and for a length of time determined
20 to be appropriate by the Commissioner, with eligible
21 research grantees, to carry out scientifically valid re-
22 search that—

23 (A) is performance-based and subject to
24 objective and measurable indicators, including



1 timelines, that are used to assess the progress
2 and performance of such research;

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

5 (C) includes both basic research and ap-
6 plied research and which shall include research
7 conducted through field-initiated studies and
8 which may include ongoing research initiatives
9 that may be conducted through research and
10 development centers;

11 (5) to promote the coordination of scientifically
12 valid research within the Federal Government, and
13 otherwise assist and foster such research, including
14 through active participation in interagency research
15 initiatives;

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

18 (7) to synthesize and disseminate, in coordina-
19 tion with the National Education Library and Clear-
20 inghouse Office, the findings and results of edu-
21 cation research conducted or supported by the Cen-
22 ter; and

23 (8) to prepare and submit an annual report, as
24 described in section 206, which shall, along with the



1 research priorities, be made available to the public
2 through such means as the Internet.

3 (b) EVALUATIVE SUMMARIES OF RESEARCH PRIOR-
4 ITIES.—In addition to the duties described in subsection
5 (a), the Center shall also oversee and support the conduct
6 of an evaluative summary of the primary education pri-
7 ority areas of each of the National Research and Develop-
8 ment Centers described in subsection (e), which—

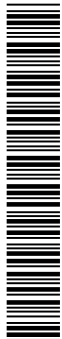
9 (1) shall be completed not later than 1 year
10 after the date of the enactment of this Act; and

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

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

18 (1) include a detailed description of the findings
19 of the main research and development activities in
20 each of the priority areas of such Center;

21 (2) describe how such findings or under-
22 standing extends or otherwise relates to what had
23 been previously known or understood;

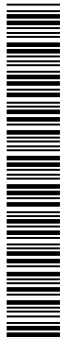


1 (3) describe the implications of such findings or
2 understanding for educational practice and school
3 reform;

4 (4) include any development, reform, and other
5 assistance activities which have utilized such find-
6 ings or understanding and the effects of such ef-
7 forts;

8 (5) include a classification of all major research
9 conducted within each such priority area, including
10 all research conducted using Federal funds, into one
11 of not more than 4 classifications which shall be de-
12 veloped by the Commissioner within 3 months after
13 the date on which such first Commissioner is ap-
14 pointed, which provides a user-friendly mechanism
15 for parents, educators, policymakers, and the general
16 public to determine the type, reliability, and utility
17 of specific research in accordance with scientifically
18 valid research; and

19 (6) include an analysis of the major program
20 activities of the Center in the categories of basic re-
21 search, applied research, or development, and wheth-
22 er such research meets scientifically based quan-
23 titative research standards or scientifically based
24 qualitative standards, as defined in this Act.



1 (d) TRANSITION.—For purposes of carrying out the
2 evaluative summaries pursuant to subsection (b) and to
3 carry out any other duties deemed appropriate by the
4 Commissioner, consistent with this chapter, the Commis-
5 sioner shall extend any cooperative agreement, grant or
6 contract made to a National Research and Development
7 Center (as such Center was in existence on the day before
8 the date of the enactment of this Act), for a period of
9 not more than two years, after which the Commissioner,
10 based upon the priorities of the Center and the research
11 plan developed under subsection (a)(3), the quality of re-
12 search conducted by the Center, and the capacity of the
13 Center to meet the standards of scientifically valid re-
14 search, shall—

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

18 (2) terminate or prohibit the renewal such
19 grant, contract or cooperative agreement.

20 (e) ELIGIBLE RESEARCH GRANTEE.—In this section,
21 the term “eligible research grantee” means a private or
22 public, for profit, or nonprofit research organization, insti-
23 tution, agency, institution of higher education, individual,
24 or a consortium thereof, including, but not limited to, na-
25 tional research and development centers and regional edu-



1 cation laboratories for research, development, dissemina-
2 tion, and technical assistance with the ability or capacity
3 to carry out scientifically valid research.

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

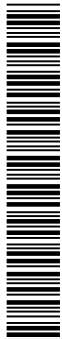
5 (a) ESTABLISHMENT.—There is established, within
6 the Center, a Committee for Education Research (here-
7 after in this chapter referred to as the “Committee”).

8 (b) MEMBERSHIP.—

9 (1) QUALIFICATIONS.—The members of the
10 Committee shall be individuals who, by virtue of
11 their training, experience, and background are able
12 to contribute to the mission of the Center described
13 in section 202(b).

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

18 (c) APPOINTMENTS.—The Committee shall consist of
19 7 members appointed by the Secretary of Education from
20 among nominations submitted by the Director of the
21 Academy. A majority of members of the Committee shall
22 be experts in scientifically valid research, including at least
23 one expert in the field of education and at least one expert
24 in an academic discipline other than education.



1 (d) CHAIRPERSON.—The Committee shall select, on
2 an annual basis, a Chairperson from among its appointed
3 members.

4 (e) TERMS OF OFFICE—

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

9 (2) VACANCIES.—Any individual appointed to
10 fill a vacancy occurring on the Committee prior to
11 the expiration of the term for which the predecessor
12 of the individual was appointed shall be appointed
13 for the remainder of the term. A vacancy shall be
14 filled in the same manner in which the original ap-
15 pointment was made.

16 (3) MEMBERS FIRST APPOINTED.—The terms
17 of office of the members of the Committee who first
18 take office after the date of the enactment of this
19 Act shall, as designated by a random selection proc-
20 ess at the time of appointment, be as follows:

21 (A) 3 years for each of 2 members of the
22 Committee.

23 (B) 4 years for each of 2 members of the
24 Committee.



1 (C) 6 years for each of 3 members of the
2 Committee.

3 (f) MEETINGS OF COMMITTEE.—

4 (1) IN GENERAL.—The Committee shall meet
5 at least quarterly at the call of the Chairperson and
6 when at least one-third of the members of the Com-
7 mittee make a written request to meet.

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

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

13 (g) FUNCTIONS.—It shall be the responsibility of the
14 Committee—

15 (1) to develop a limited number of specific,
16 long-term priorities to focus and guide the Center's
17 program of research, based upon the general prior-
18 ities of the Academy;

19 (2) in collaboration with the Commissioner, to
20 determine an appropriate strategy for funding re-
21 search activities;

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

24 (4) to review the dissemination activities of the
25 Academy to ensure that scientifically valid research



1 is being effectively disseminated to schools and
2 teachers; and

3 (5) to review regularly, evaluate, and publicly
4 comment upon—

5 (A) the research activities of the Center;
6 and

7 (B) the state of the quality of Federal edu-
8 cation research.

9 (h) ADDITIONAL RESPONSIBILITIES OF COM-
10 MITTEE.—It shall also be the responsibility of the
11 Committee—

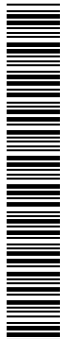
12 (1) to provide advice and assistance to the
13 Commissioner in carrying out coordination activities
14 with other related agencies;

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

18 (3)(A) to solicit advice and information from
19 the educational field, to define research needs and
20 suggestions for research topics;

21 (B) to involve educational practitioners, particu-
22 larly teachers, in carrying out subparagraph (A);
23 and

24 (4) to provide recommendations for how re-
25 search conducted by the Center translates findings



1 into workable, adaptable models for use in policy
2 and in practice across different settings, and rec-
3 ommendations for other forms of dissemination.

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

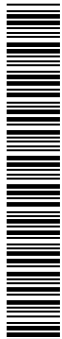
6 (1) shall, without regard to the provisions of
7 title 5, United States Code, relating to the appoint-
8 ment and compensation of officers or employees of
9 the United States, appoint an executive director who
10 shall assist in carrying out and managing the activi-
11 ties of the Committee and perform such other func-
12 tions the Committee determines to be necessary and
13 appropriate;

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

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

19 (4) may enter into contracts, or make other ar-
20 rangements as may be necessary to carry out its
21 functions;

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



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

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

8 **SEC. 206. REPORT.**

9 Not later than December 31 of each year, the Com-
10 missioner shall transmit to the President, the appropriate
11 congressional committees and be made widely available to
12 the public through such means as the Internet, a report
13 that contains—

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

16 (2) a detailed summary of each grant, contract,
17 and cooperative agreement in excess of \$100,000
18 funded during the prior fiscal year, including, at a
19 minimum, the amount of funds, duration, recipient,
20 purpose, goal, and object of the funds in meeting the
21 mission of the Center, the products completed
22 through such funds, and an evaluation of the use of
23 such funds, which shall be available in a user-friend-
24 ly electronic database;



1 (3) a description of how the activities of the
2 Center comply with scientifically valid research con-
3 sistent with the provisions of this chapter and have
4 otherwise contributed to the mission of the Center as
5 described under section 202(b); and

6 (4) such additional comments, recommenda-
7 tions, and materials as the Director of the Academy
8 considers appropriate.

9 **SEC. 207. AUTHORITY TO PUBLISH.**

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

15 (b) QUALITY ASSURANCE.—In carrying out such au-
16 thority, the Director shall ensure all such information and
17 reports—

18 (1) are subjected to rigorous peer review prior
19 to being published or otherwise made available by
20 the Academy; and

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

22 (3) are based upon standards described in sec-
23 tion 208;



1 (4) are categorized by the level of research the
2 program or practice has achieved as described in
3 section 204(b); and

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

6 **SEC. 208. STANDARDS FOR CONDUCT AND EVALUATION OF**
7 **RESEARCH.**

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

10 (1) ensure all research conducted under the di-
11 rection of the Center follows the standards of valid
12 scientific research;

13 (2) develop such other standards as may be
14 necessary to govern the conduct and evaluation of all
15 research, development, and dissemination activities
16 carried out by the Center to assure that such activi-
17 ties meet the highest standards of professional excel-
18 lence;

19 (3) review the procedures utilized by the Na-
20 tional Institutes of Health, the National Science
21 Foundation, and other Federal departments or agen-
22 cies engaged in research and development and also
23 actively solicit recommendations from research orga-
24 nizations and members of the general public in the



1 development of such other standards described in
2 paragraph (2); and

3 (4) require research to comply with Federal
4 guidelines relating to research misconduct.

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

8 (1) require that a process of open competition
9 be used in awarding or entering into all grants, con-
10 tracts, and cooperative agreements under this chap-
11 ter;

12 (2) require that a system of peer review of
13 highly qualified individuals with an in-depth knowl-
14 edge of the subject to be investigated be utilized by
15 the Academy—

16 (A) for reviewing and evaluating all appli-
17 cations for grants and cooperative agreements
18 and bids for those contracts which exceed
19 \$100,000; and

20 (B) for evaluating and assessing the per-
21 formance of all recipients of grants from and
22 cooperative agreements and contracts with the
23 Center;

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



1 (4) describe the procedures which shall be uti-
2 lized in evaluating applications for grants, proposed
3 cooperative agreements, and contract bids and speci-
4 fy the criteria and factors which shall be considered
5 in making such evaluations; and

6 (5) require that the performance of all recipi-
7 ents of grants from and contracts and cooperative
8 agreements with the Center shall be periodically
9 evaluated, both during and at the conclusion of their
10 receipt of assistance.

11 (c) LONG-TERM RESEARCH.—The Commissioner
12 shall assure that not less than 50 percent of the funds
13 made available for each fiscal year under section 3(a)(3)
14 shall be used to fund long-term research programs of not
15 less than 5 years which—

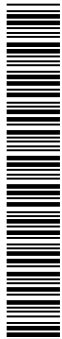
16 (1) support the research priorities described in
17 section 204(a)(2); and

18 (2) may be carried out through multiple grants,
19 contracts, or cooperative agreements consistent with
20 subsection (a)(4).

21 **CHAPTER 2—NATIONAL CENTER FOR**
22 **PROGRAM EVALUATION**

23 **SEC. 211. ESTABLISHMENT.**

24 (a) ESTABLISHMENT—There is established, within
25 the National Academy for Education Research, Evalua-



1 tion, Statistics, and Information established under title I
2 of this Act, a National Center for Program Evaluation
3 (hereafter in this chapter referred to as the “Center”).

4 (b) MISSION—The mission of the Center shall be to
5 conduct evaluations of Federal education programs admin-
6 istered by the Secretary to determine the impact of such
7 programs, especially on student outcomes.

8 **SEC. 212. COMMISSIONER; STAFF.**

9 (a) COMMISSIONER.—The Center shall be headed by
10 a Commissioner for Program Evaluation (hereafter in this
11 chapter referred to as the “Commissioner”) who shall be
12 appointed by the President, by and with the advice and
13 consent of the Senate, and who—

14 (1) should possess a demonstrated capacity for
15 sustained productivity and leadership in program
16 evaluation, and should be an individual who is tech-
17 nically competent in conducting sound program eval-
18 uations;

19 (2) shall oversee all evaluation activities of the
20 Center, the awarding of contracts, the development
21 of evaluation methodology, reporting the findings of
22 evaluations to the public and Congress, and other
23 duties essential to carrying out the mission of the
24 Center; and

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



1 (b) STAFF.—

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

14 (2) REAPPOINTMENT.—The Commissioner may
15 reappoint an employee described in paragraph (1)
16 for 1 additional term not to exceed three years if de-
17 termined necessary by the Commissioner.

18 **SEC. 213. DUTIES.**

19 (a) GENERAL DUTIES.—

20 (1) IN GENERAL.—The duties of the Center
21 are—

22 (A) to conduct evaluations of other Federal
23 education programs, as determined by the Di-
24 rector of the Academy in consultation with the
25 Secretary;



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

4 (C) to coordinate program evaluation with
5 the appropriate program office within the De-
6 partment of Education;

7 (D) to submit to the Director, the Sec-
8 retary of Education, and the appropriate con-
9 gressional committees a report on the Center's
10 evaluation activities on a semi-annual basis; and

11 (E) to administer all contracting and per-
12 sonnel activities of the Center.

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

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

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



1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 6491 et seq.) and administered by the De-
3 partment of Education as of the date of the enact-
4 ment of this Act. These evaluations are to include—

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

7 (B) a longitudinal study of schools receiv-
8 ing assistance under title I of the Elementary
9 and Secondary Education Act of 1965 in ac-
10 cordance with paragraph (4).

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

19 (3) NATIONAL ASSESSMENT OF TITLE I.—The
20 Commissioner, in coordination with the longitudinal
21 study under paragraph (1)(B) (and which shall be
22 planned, reviewed, and conducted with an inde-
23 pendent review panel authorized under section 214),
24 shall conduct a national assessment of title I of the
25 Elementary and Secondary Education Act of 1965



1 (20 U.S.C. 6301 et seq.) and shall examine in ac-
2 cordance with the standards under paragraph (2)—

3 (A) the implementation and impact of the
4 programs carried out under part A of title I of
5 the Elementary and Secondary Education Act
6 of 1965 upon increasing student academic
7 achievement, particularly schools with high con-
8 centrations of children living in poverty;

9 (B) the impact of State standards, assess-
10 ments, and accountability systems developed
11 under part A of title I of the Elementary and
12 Secondary Education Act of 1965 on improving
13 student achievement and on the quality of edu-
14 cation programs and instruction at the local
15 level;

16 (C) the effectiveness of schoolwide pro-
17 grams and targeted assistance programs, as
18 compared to one another, upon improving stu-
19 dent academic achievement;

20 (D) the effectiveness of different com-
21 prehensive school reform models funded under
22 title I of the Elementary and Secondary Edu-
23 cation Act of 1965 on improving achievement of
24 disadvantaged students;



1 (E) the cost-effectiveness of interventions
2 funded under part A of title I of the Elemen-
3 tary and Secondary Education Act of 1965;

4 (F) the effects of school choice options on
5 the academic achievement of disadvantaged stu-
6 dents;

7 (G) the extent to which corrective actions
8 authorized under section 1116 of the Elemen-
9 tary and Secondary Education Act of 1965 are
10 employed by State and local educational agen-
11 cies to turn around low performing schools, and
12 the effectiveness of these actions.

13 (H) the impact of the professional develop-
14 ment activities supported under title I of the
15 Elementary and Secondary Education Act of
16 1965 on instruction and student performance;

17 (I) the extent to which the resources pro-
18 vided under title I of the Elementary and Sec-
19 ondary Education Act of 1965 are targeted to
20 disadvantaged students;

21 (J) the effectiveness of Federal administra-
22 tion, including monitoring and technical assist-
23 ance; and



1 (K) such other issues as the Commissioner
2 and the independent review panel may deter-
3 mine.

4 (4) NATIONAL LONGITUDINAL STUDY OF TITLE
5 I SCHOOLS.—

6 (A) IN GENERAL.—The Center shall carry
7 out a longitudinal study of schools receiving as-
8 sistance under title I of the Elementary and
9 Secondary Education Act of 1965 and ensure
10 that it provides the Congress and educators
11 with the following:

12 (i) An accurate description and anal-
13 ysis of its short-term and long-term effec-
14 tiveness upon academic performance.

15 (ii) A measure of the cost-effective-
16 ness of title I of such Act in improving stu-
17 dent academic achievement.

18 (iii) A measure of the extent to which
19 the changes made to part A of title I of
20 the Elementary and Secondary Education
21 Act of 1965 since 1994 have resulted in in-
22 creased student academic achievement.

23 (iv) An analysis of educational prac-
24 tices or model programs which are the



1 most effective in improving the achieve-
2 ment of disadvantaged children.

3 (v) An analysis of the cost-effective-
4 ness of different interventions used to im-
5 prove the achievement of disadvantaged
6 children.

7 (vi) An analysis of the effect of the
8 summer break on maintaining and building
9 on achievement gains from one year to the
10 next, and the effect of summer school on
11 narrowing achievement gaps.

12 (vii) Other issues of importance, as
13 determined by the Commissioner and the
14 independent review panel.

15 (B) ADDITIONAL REQUIREMENTS.—The
16 study shall also include a nationally-representa-
17 tive sample of school participating in programs
18 under title I of such Act and shall ensure that
19 it includes—

20 (i) different types of models or strate-
21 gies for delivering schools services are ana-
22 lyzed, including—

23 (I) schoolwide and targeted serv-
24 ices under title I of such Act; and



1 (II) comprehensive school reform
2 models; and

3 (ii) to the extent possible, students
4 who transfer to different schools during
5 the course of the study.

6 (5) REPORTS.—The Commissioner shall pre-
7 pare and submit to the Secretary and the appro-
8 priate congressional committees—

9 (A) an interim report on (i) the national
10 assessment not later than 3 years after the date
11 of the enactment of this Act and (ii) the na-
12 tional longitudinal study of schools receiving as-
13 sistance under title I of the Elementary and
14 Secondary Education Act of 1965 not later
15 than 4 years after the date of the enactment of
16 this Act; and

17 (B) a final report on (i) such national as-
18 sessment not later than 4 years after the date
19 of the enactment of this Act and (ii) such na-
20 tional longitudinal study not later than 5 years
21 after the date of the enactment of this Act.

22 The Commissioner shall include summary reports of
23 the status of the ongoing evaluation in the semi-an-
24 nual report required by subsection (a)(1)(F).



1 **SEC. 214. INDEPENDENT REVIEW PANELS.**

2 (a) ESTABLISHMENT.—The Commissioner may es-
3 tablish 1 or more independent review panels (hereafter in
4 this section referred to as “panels”) for each evaluation,
5 or a set of evaluations, described in section 213, in order
6 to assist the Center in carrying out the evaluation under
7 such section. In carrying out each such evaluation, the
8 Center and the panel shall consult with the appropriate
9 program office within the Department of Education.

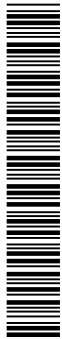
10 (b) MEMBERSHIP.—

11 (1) IN GENERAL.—Each panel shall consist of
12 not more than 15 members, and shall be selected by
13 the Secretary from nominations submitted by the
14 Director and shall include—

15 (A) individuals who are specialists in sta-
16 tistics, evaluation, research and assessment, of
17 which, in order to ensure diversity, the majority
18 shall represent disciplines or programs outside
19 of the field of education;

20 (B) education practitioners, including
21 teachers, principals, and local and State super-
22 intendants; and

23 (C) other individuals with technical exper-
24 tise who would contribute to the overall rigor
25 and quality of the program evaluation.



1 The total number of members selected pursuant to
2 subparagraph (B) shall not exceed one-third of the
3 total number of members of the panel.

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

7 (d) POWERS.—Each panel shall—

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

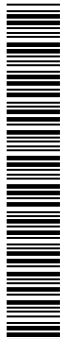
10 (2) oversee the evaluation as carried out by the
11 Center or its contractors; and

12 (3) ensure that each evaluation is reviewed
13 within 3 months of its completion by 3 independent
14 experts in program evaluation to evaluate and com-
15 ment on the degree to which it complies with sound
16 program evaluation standards.

17 Such comments received under paragraph (3) shall be
18 printed with the final version of the findings of the evalua-
19 tion, along with any response by the Commissioner of the
20 Center.

21 **SEC. 215. AUTHORITY TO PUBLISH.**

22 The Commissioner is authorized to prepare and pub-
23 lish such information, reports, and documents as may be
24 of value in carrying out the purposes of this chapter and



1 are consistent with the purpose and mission of the Center
2 as described in section 211(b).

3 **CHAPTER 3—NATIONAL CENTER FOR**
4 **EDUCATION STATISTICS**

5 **SEC 221. SHORT TITLE.**

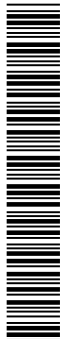
6 This chapter may be cited as the “National Edu-
7 cation Statistics Act of 2000”.

8 **SEC. 222. FINDINGS; PURPOSE.**

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

10 (1) A Department of Education was established
11 in 1867 “for the purpose of collecting such statistics
12 and facts as shall show the condition and progress
13 of education in the several States and territories,
14 and of diffusing such information respecting the or-
15 ganization and management of schools and school
16 systems and methods of teaching as shall aid the
17 people of the United States in the establishment and
18 maintenance of efficient school systems, and other-
19 wise promote the cause of education throughout the
20 United States”.

21 (2) Today, while the role of the current Depart-
22 ment of Education is much broader, the National
23 Center for Education Statistics continues to perform
24 those crucial original purposes.



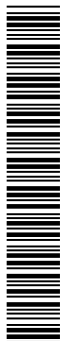
1 (3) It is paramount that the collecting, ana-
2 lyzing, and reporting of information and statistics be
3 done in a manner that is objective and free of par-
4 tisan and political influence, and that such activities
5 can be most effectively carried out by a National
6 Center for Education Statistics.

7 (4) The availability of valid, reliable and timely
8 data, delivered in widely accessible formats, provides
9 policymakers, educators, parents, and the public
10 with information for making key decisions about
11 education in their States and local school districts.

12 (5) As schools, school districts, States, the De-
13 partment of Education, and the Academy continue
14 to move to performance-based systems, in which ac-
15 countability and improvement efforts are driven by
16 student and school outcomes, comprehensive and ac-
17 curate information and data on such outcomes be-
18 come increasingly important.

19 (6) Recent technological advances permit more
20 efficient and effective strategies for the collection,
21 analysis, reporting and dissemination, and
22 warehousing of data, thereby enhancing the timeli-
23 ness and usability of the data by the public.

24 (7) Entering the 21st century, the National
25 Center for Education Statistics must be able to de-



1 sign and undertake, effectively and efficiently, statis-
2 tical activities that will aid in the reform of the Na-
3 tion's educational systems.

4 (b) PURPOSE.—The purpose of this chapter is to en-
5 sure the continuation of an effective mechanism, free of
6 partisan and political influence, for collecting and report-
7 ing statistics and information showing the condition and
8 progress of education in the United States and other na-
9 tions in order to promote and accelerate the improvement
10 of American education.

11 **SEC. 223. ESTABLISHMENT.**

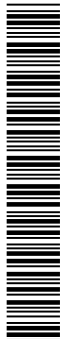
12 (a) ESTABLISHMENT.—There is established, within
13 the Academy established under title I of this Act, a Na-
14 tional Center for Education Statistics (hereafter in this
15 chapter referred to as the “Center”).

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

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

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

22 (3) to collect, analyze, and report education in-
23 formation and statistics under this Act in a manner
24 that—



1 (A) is objective and free of partisan and
2 political influence; and

3 (B) is relevant and useful to practitioners,
4 researchers, policymakers, and the public.

5 **SEC. 224. COMMISSIONER; DEPUTY COMMISSIONER AND**
6 **ASSOCIATE COMMISSIONERS; STAFF.**

7 (a) COMMISSIONER.—The Center shall be headed by
8 a Commissioner for Education Statistics (hereafter in this
9 chapter referred to as the “Commissioner”) who shall be
10 appointed by the President, by and with the advice and
11 consent of the Senate, and who—

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

14 (2) shall be paid in accordance with section
15 5315 of title 5, United States Code; and

16 (3) shall serve a term of six years, with the
17 terms to expire every sixth July 1, beginning in
18 2001.

19 (b) DEPUTY COMMISSIONER AND ASSOCIATE COM-
20 MISSIONERS.—The Commissioner may appoint a Deputy
21 Commissioner and such Associate Commissioners as the
22 Commissioner determines are necessary and appropriate.

23 (c) STAFF.—

24 (1) IN GENERAL.—The Commissioner may ap-
25 point, for terms not to exceed three years (without



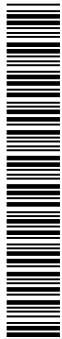
1 regard to the provisions of title 5, United States
2 Code, governing appointment in the competitive
3 service) such statistical experts of the Center as the
4 Commissioner considers necessary to accomplish the
5 Center's mission, provided that—

6 (A) prior to the appointment of any such
7 employee, public notice is given of the avail-
8 ability of such position and an opportunity is
9 provided for qualified individuals to apply and
10 compete for such position;

11 (B) the appointment of such employee is
12 necessary to provide the Center with scientific
13 and technical expertise which could not other-
14 wise be obtained by the Center through the
15 competitive service; and

16 (C) the total number of such employees
17 does not exceed 10 percent of the number of
18 full-time professional employees of the Center.

19 (2) REAPPOINTMENT OF EMPLOYEES—The
20 Commissioner may reappoint employees described in
21 paragraph (1) upon presentation of clear and con-
22 vincing evidence of need, for one additional term not
23 to exceed three years. All such employees shall work
24 on activities of the Center and shall not be reas-



1 signed to other duties outside the Center during
2 their term.

3 **SEC. 225. DUTIES.**

4 (a) GENERAL DUTIES.—The duties of the Center are
5 to collect, analyze, and disseminate statistics and other in-
6 formation related to education in the United States and
7 in other nations, including—

8 (1) collecting, acquiring, compiling (where ap-
9 propriate, on a State by State basis), and dissemi-
10 nating full and complete statistics on the condition
11 and progress of education, at the preschool, elemen-
12 tary, secondary, and postsecondary, and adult levels
13 in the United States, including data on—

14 (A) State and local education reform ac-
15 tivities;

16 (B) student achievement at all levels of
17 education;

18 (C) secondary school completions, drop-
19 outs, and adult literacy;

20 (D) educational access to and opportunity
21 for postsecondary education, including data on
22 financial aid to postsecondary students;

23 (E) teaching, including data on course-tak-
24 ing, instruction, the conditions of the education
25 workplace, and the supply of, and demand for,



1 teachers, which may include data on the propor-
2 tions of women and men, cross-tabulated by
3 race or ethnicity, teaching in subjects in which
4 such individuals have been historically under-
5 represented;

6 (F) the learning and teaching environment,
7 including data on libraries;

8 (G) the incidence, frequency, seriousness,
9 and nature of violence affecting students, school
10 personnel, and other individuals participating in
11 school activities, as well as other indices of
12 school safety;

13 (H) the financing and management of edu-
14 cation, including data on revenues and expendi-
15 tures;

16 (I) the social and economic status of chil-
17 dren, including the relationship to academic
18 achievement; and

19 (J) the existence of Internet technology
20 and access to the Internet in elementary and
21 secondary schools;

22 (2) conducting and publishing reports and anal-
23 yses of the meaning and significance of such statis-
24 tics;



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

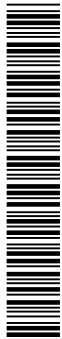
5 (4) collecting, analyzing, cross-tabulating, and
6 reporting, to the extent feasible, so as to provide in-
7 formation by gender, race, socioeconomic status, lim-
8 ited-English proficiency, and other population char-
9 acteristics when such disaggregated information
10 would facilitate educational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

12 (5) assisting public and private educational
13 agencies, organizations, and institutions in improv-
14 ing and automating statistical and data collection
15 activities; and

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

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

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



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

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

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

15 (5) continuously improving the management
16 strategies and practices of the Center; and

17 (6) making data available to the public in an
18 expeditious fashion.

19 (c) TRAINING PROGRAM.—The Commissioner may
20 establish a program to train employees of public and pri-
21 vate educational agencies, organizations, and institutions
22 in the use of the Center's standard statistical procedures
23 and concepts and may establish a fellows program to ap-
24 point such employees as temporary fellows at the Center
25 in order to assist the Center in carrying out its duties.



1 **SEC. 226. PERFORMANCE OF DUTIES.**

2 (a) GRANTS, CONTRACTS, AND COOPERATIVE
3 AGREEMENTS.—

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

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

15 (b) GATHERING INFORMATION.—

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

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



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

4 (A) from States, local educational agencies,
 5 public and private schools, preschools, institu-
 6 tions of postsecondary education, libraries, ad-
 7 ministrators, teachers, students, the general
 8 public, and such other individuals, organiza-
 9 tions, agencies, and institutions as the Commis-
 10 sioner may consider appropriate (including in-
 11 formation collected by States and local edu-
 12 cational agencies for their own use);

13 (B) by other offices within the Academy
 14 and by other Federal departments, agencies,
 15 and instrumentalities.

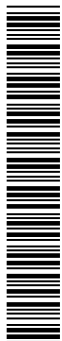
16 (4) COLLECTION.—The Commissioner may—

17 (A) enter into interagency agreements for
 18 the collection of statistics;

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

21 (C) assign employees of the Center to any
 22 such agency, organization, or institution to as-
 23 sist in such collection.

24 (5) TECHNICAL ASSISTANCE AND COORDINA-
 25 TION.—In order to maximize the effectiveness of



1 Federal efforts to serve the educational needs of
2 children and youth, the Commissioner shall—

3 (A) provide technical assistance to the De-
4 partment of Education offices that gather data
5 for statistical purposes; and

6 (B) coordinate closely with other Depart-
7 ment of Education offices in the collection of
8 data.

9 (6) ADDITIONAL REQUIREMENT.—To assure
10 adequate notification, the Commissioner shall notify
11 the sources of information and others identified in
12 paragraph (3) of—

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

19 (B) any new requirements for data collec-
20 tion and submissions in a reasonable amount of
21 time prior to the period for which the new data
22 collection is required, but not less than six
23 months prior thereto.



1 **SEC. 227. REPORTS.**

2 (a) REPORT ON CONDITION AND PROGRESS OF EDU-
3 CATION.—The Commissioner shall, not later than June 1,
4 2001, and each succeeding June 1 thereafter, submit to
5 the President and the appropriate congressional commit-
6 tees, a statistical report on the condition and progress of
7 education in the United States.

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

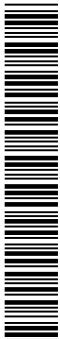
12 (c) SPECIAL REPORTS.—The Commissioner may,
13 whenever the Commissioner considers it appropriate, issue
14 special reports on particular education topics.

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

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

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

25 (b) MEMBERSHIP.—



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

3 (A) 18 voting members who are users of
4 education data and who are appointed by the
5 Secretary from among nominations submitted
6 by the Director and who have experience and
7 eminence within the field of education, of whom
8 at least—

9 (i) three shall be practicing educators;

10 (ii) three shall be education policy-
11 makers;

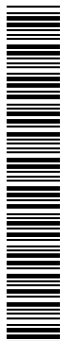
12 (iii) three shall be professional stat-
13 isticians;

14 (iv) three shall be education research-
15 ers; and

16 (v) three shall be experts in edu-
17 cational measurement;

18 (B) three individuals representing the gen-
19 eral public, appointed by the Secretary from
20 nominations submitted by the Director;

21 (C) the Director of the Census and the
22 Commissioner of Labor Statistics, as voting, ex
23 officio members; and



1 (D) the Commissioner for Education Sta-
2 tistics and the Director of the Academy, as non-
3 voting, ex officio members.

4 (2) PRESIDING OFFICER.—The Commissioner
5 shall appoint the presiding officer of the Council
6 from among the voting members of the Council.

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

14 (4) MEETINGS.—

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

18 (i) at least two times during each cal-
19 endar year; and

20 (ii) in addition, whenever ten voting
21 members request in writing that the pre-
22 siding officer call a meeting.

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



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

4 (d) DUTIES.—The Council shall—

5 (1) review and advise the Commissioner on—

6 (A) general policies for the operation and
7 activities of the Center;

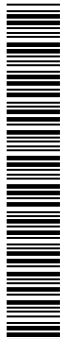
8 (B) standards to ensure that statistics and
9 other information disseminated by the Center
10 are of high quality and are not subject to par-
11 tisan or political influence;

12 (C) standards for peer review of statistical
13 research;

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

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

19 (2) annually submit to the Board, the Sec-
20 retary, the President, and the appropriate congres-
21 sional committees a report on the quality and useful-
22 ness of data collected and reported by the Center,
23 and on any other issues requiring public attention;
24 and



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

4 **SEC. 229. CONFIDENTIALITY.**

5 (a) CONFIDENTIALITY STANDARDS.—

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

15 (2) PROHIBITION.—No person may—

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

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

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

25 (b) ADMINISTRATION.—



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

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



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

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

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

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



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

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

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

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



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

7 **SEC. 230. DISSEMINATION.**

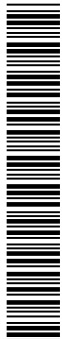
8 (a) GENERAL REQUESTS.—

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

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

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

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



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

3 (d) FEES.—

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

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

15 (e) ACCESS.—

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

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



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

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

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

17 (b) POSTSECONDARY GROUPS.—

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



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

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

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

15 **CHAPTER 1—NATIONAL ASSESSMENT**

16 **GOVERNING BOARD**

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

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

23 (b) MEMBERSHIP.—

24 (1) EXISTING MEMBERS.—Except as provided
25 under subsection (c)(1)(B), individuals serving on



1 the National Assessment Governing Board on the
2 day before the date of the enactment of this Act
3 shall continue to serve in such capacity until the ex-
4 piration of their term of appointment as such term
5 was determined pursuant to section 412 of the Im-
6 proving America's Schools Act of 1994.

7 (2) APPOINTMENT AND COMPOSITION.—Upon
8 the expiration of an existing member's term on the
9 National Assessment Governing Board and in ac-
10 cordance with subsection (d), the Secretary shall ap-
11 point members to such Board to be composed of—

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

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

17 (C) two chief State school officers;

18 (D) two members of a State board of edu-
19 cation;

20 (E) one superintendent of a local edu-
21 cational agency;

22 (F) one member of a local board of edu-
23 cation;



1 (G) three classroom teachers representing
2 the grade levels at which the National Assess-
3 ment of Educational Progress is conducted;

4 (H) one representative of business or in-
5 dustry;

6 (I) two curriculum specialists;

7 (J) three testing and measurement experts,
8 who shall have training and experience in the
9 field of testing and measurement;

10 (K) one nonpublic school administrator or
11 policymaker;

12 (L) two school principals, of whom one
13 shall be an elementary school principal and one
14 shall be a secondary school principal; and

15 (M) four additional members who are rep-
16 resentatives of the general public, including par-
17 ents.

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

22 (4) SPECIAL RULE.—The Secretary shall ensure
23 at all times that the membership of the Board re-
24 flects regional, racial, gender, and cultural balance
25 and diversity. The Board shall exercise its inde-



1 pendent judgment, free from inappropriate influ-
2 ences and special interests.

3 (c) TERMS.—

4 (1) IN GENERAL.—

5 (A) STAGGERED TERMS.—Terms of service
6 of members of the Board shall be staggered and
7 may not exceed a period of 4 years.

8 (B) TRANSITION RULE.—Notwithstanding
9 paragraph (2), subparagraph (A) of this para-
10 graph shall take effect on the date of the enact-
11 ment of this Act, except that members of the
12 Board who were appointed and granted a 3-
13 year term of service by the Secretary of Edu-
14 cation before such date, and who are members
15 on such date, shall be granted a 1-year exten-
16 sion of such term.

17 (2) SERVICE LIMITATION.—Except for a 1-year
18 extension provided in paragraph (1)(B), members of
19 the Board may serve not more than 2 consecutive
20 terms.

21 (3) CHANGE OF STATUS.—A member of the
22 Board who changes status under subsection (b) of
23 this section during the term of the appointment of
24 the member may continue to serve as a member
25 until the expiration of such term.



1 (d) VACANCIES.—

2 (1) IN GENERAL.—

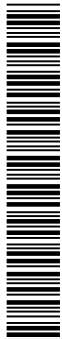
3 (A) The Secretary shall appoint new mem-
4 bers to fill vacancies on the Board from among
5 individuals who are nominated by organizations
6 representing the type of individuals described in
7 subsection (b)(1) with respect to which the va-
8 cancy exists.

9 (B) Each organization submitting nomina-
10 tions to the Secretary with respect to a par-
11 ticular vacancy shall nominate for such vacancy
12 6 individuals who are qualified by experience or
13 training to fill the particular Board vacancy.

14 (2) ADDITIONAL NOMINATIONS.—The Secretary
15 may request that each organization described in
16 paragraph (1)(A) submit additional nominations if
17 the Secretary determines that none of the individ-
18 uals nominated by such organization have appro-
19 priate knowledge or expertise.

20 (e) AUTHORITY.—

21 (1) IN GENERAL.—In carrying out its respon-
22 sibilities to formulate policy and carry out the Na-
23 tional Assessment of Educational Progress, the
24 Board shall have authority to—



1 (A) publish notices in the Federal Register
2 and the Commerce Business Daily;

3 (B) review and approve for publication or
4 public dissemination articles, reports, bro-
5 chures, speeches, books, and other documents;

6 (C) make, enter into, and perform con-
7 tracts, leases, or other similar transactions in
8 furtherance of the functions and responsibilities
9 of the Board;

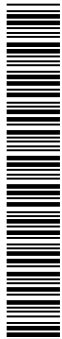
10 (D) obligate funds allocated and allotted to
11 the National Assessment Governing Board;

12 (E) perform personnel functions necessary
13 to appoint and fix compensation of officers and
14 employees and to appoint excepted service per-
15 sonnel and to obtain the services of experts and
16 consultants;

17 (F) make determinations regarding con-
18 flicts of interest; and

19 (G) solicit, accept, hold, administer, and
20 utilize gifts, bequests, and devises of money,
21 property, both real and personal, or uncondi-
22 tional gifts of services.

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



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

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

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

12 (D) design the methodology of the assess-
13 ment, in consultation with appropriate technical
14 experts;

15 (E) develop guidelines for reporting and
16 disseminating results;

17 (F) develop standards and procedures for
18 interstate, regional, and national comparisons;
19 and

20 (G) take appropriate actions needed to im-
21 prove the form and use of the National Assess-
22 ment of Educational Progress.

23 (3) DELEGATION.—The Board may delegate
24 any of the Board's procedural and administrative
25 functions to its staff.



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

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

9 (6) TECHNICAL.—In carrying out the duties re-
10 quired by paragraph (2), the Board shall seek tech-
11 nical advice, as appropriate, from the Commissioner
12 of Education Statistics and other experts.

13 (7) REPORT.—Not later than 90 days after an
14 evaluation of the student performance levels under
15 section 252(f), the Board shall make a report to the
16 Director of the Academy, the Secretary of Edu-
17 cation, the Committee on Education and the Work-
18 force of the House of Representatives, and the Com-
19 mittee on Health, Education, Labor, and Pensions
20 of the Senate describing the steps the Board is tak-
21 ing to respond to each of the recommendations con-
22 tained in such evaluation.

23 (f) PERSONNEL.—

24 (1) IN GENERAL.—In the exercise of its respon-
25 sibilities, the Board shall be independent of the Sec-



1 retary and the other offices and officers of the De-
2 partment.

3 (2) STAFF.—

4 (A) The Board may appoint such staff as
5 will enable the Board to carry out its respon-
6 sibilities.

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

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

19 **SEC. 252. NATIONAL ASSESSMENT OF EDUCATIONAL**
20 **PROGRESS.**

21 (a) ESTABLISHMENT.—The National Assessment
22 Governing Board shall establish policy and carry out,
23 through grants, contracts, or cooperative agreements with
24 1 or more qualified entities (such as the National Center
25 for Education Statistics), a National Assessment of Edu-



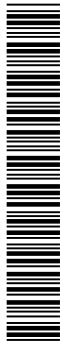
1 cational Progress. The National Assessment of Edu-
2 cational Progress collectively refers to a long-term trend
3 assessment, national assessment, and State assessment.

4 (b) PURPOSE; LONG-TERM TREND ASSESSMENT,
5 NATIONAL ASSESSMENTS, AND STATE ASSESSMENTS.—
6 The purpose of the National Assessment of Educational
7 Progress is to provide a fair and accurate presentation of
8 educational achievement in reading, writing, mathematics,
9 and science, and as time and resources permit, the addi-
10 tional subjects of United States history, geography, and
11 civics.

12 (c) DUTIES.—

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

22 (A) conduct a long-term trend assessment
23 for purposes of tracking long-term national
24 trends, collect and report data on a periodic
25 basis, but at least every 4 years, for students at



1 ages 9, 13, and 17 in reading, mathematics,
2 and science and in grades 4, 8, and 11 in writ-
3 ing;

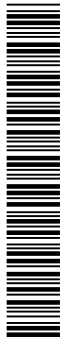
4 (B) for purposes of collecting data on stu-
5 dent achievement based on frameworks devel-
6 oped by the Board under section 251(e)(2),
7 conduct a national assessment each year and
8 State assessments not less than once every 4
9 years in each subject tested as part of the Na-
10 tional Assessment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

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

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

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

24 (F) ensure that achievement data are
25 made available on a timely basis following offi-



1 cial reporting, in a manner that facilitates fur-
2 ther analysis; and

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

7 (2) STATE ASSESSMENTS.—

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

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

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

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



1 (C) A participating State shall review and
2 give permission for the release of results from
3 any test of its students administered as a part
4 of a State assessment prior to the release of
5 such data. Refusal by a State to release its data
6 shall not restrict the release of data from other
7 States that have approved the release of such
8 data.

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

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

21 (d) ACCESS.—

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



1 (2) PERSONALLY IDENTIFIABLE INFORMA-
2 TION.—

3 (A) The National Assessment Governing
4 Board shall ensure that all personally identifi-
5 able information about students, their edu-
6 cational performance, and their families, and
7 information with respect to individual schools,
8 remains confidential, in accordance with section
9 552a of title 5, United States Code.

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

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

21 (ii) Notwithstanding clause (i), the Na-
22 tional Assessment Governing Board may decline
23 to make available cognitive items for periods
24 longer than 10 years if the Board determines



1 that it is necessary to do so in order to protect
2 the integrity of long-term trend data.

3 (e) PARTICIPATION.—

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

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

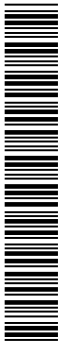
16 (A) participates in the assessment; and

17 (B) pays from non-Federal sources the
18 non-Federal share of such participation.

19 (3) NON-FEDERAL SHARE.—

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

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



1 (ii) the cost of coordination within the
2 State; and

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

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

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

15 (f) STUDENT PERFORMANCE LEVELS.—

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

21 (2) DEVELOPMENT OF LEVELS.—

22 (A) Such performance levels shall be—

23 (i) devised through a national con-
24 sensus approach, providing for active par-
25 ticipation of teachers, curriculum special-



1 ists, State boards of education, local school
2 boards, local school administrators, par-
3 ents, and concerned members of the gen-
4 eral public;

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

10 (iii) updated as appropriate.

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

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

22 (g) REVIEW OF NATIONAL AND STATE ASSESS-
23 MENTS.—

24 (1) IN GENERAL.—



1 (A) CONTINUING REVIEW.—The Director
2 of the Academy shall provide for continuing re-
3 view of the National assessment, State assess-
4 ments, and student performance levels, by the
5 National Center for Program Evaluation or
6 other nationally recognized evaluation organiza-
7 tions.

8 (B) CONTENT.—Such continuing review
9 shall address—

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

17 (ii) whether developmental student
18 performance levels are reasonable, valid,
19 and informative to the public.

20 (2) REPORT.—The Board shall report to the
21 Committee on Education and the Workforce of the
22 House of Representatives and the Committee on
23 Health, Education, Labor, and Pensions of the Sen-
24 ate, the President, the Secretary, and the Nation on
25 the findings and recommendations of such reviews.



1 (3) USE OF FINDINGS AND RECOMMENDA-
2 TIONS.—The National Assessment Governing Board
3 shall consider the findings and recommendations of
4 such reviews in carrying out the National Assess-
5 ment of Educational Progress.

6 (h) COVERAGE AGREEMENTS.—

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

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

21 **SEC. 253. PROHIBITION ON FEDERALLY SPONSORED TEST-**
22 **ING.**

23 (a) GENERAL PROHIBITION.—Notwithstanding any
24 other provision of Federal law and except as provided in
25 subsection (b), no funds provided to the Department of



1 Education, the National Assessment Governing Board, the
2 Academy, or an applicable program may be used to carry
3 out any activities related to any federally sponsored na-
4 tional test in reading, mathematics, or any other subject
5 that is not specifically and explicitly provided for in au-
6 thorizing legislation enacted into law.

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

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

22 **TITLE III—MISCELLANEOUS**
23 **PROVISIONS**

24 **SEC. 301. REPEALS.**

25 (a) EDUCATIONAL RESEARCH AND IMPROVEMENT.—



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

4 (2) CONFORMING AMENDMENTS.—(A) Section
5 202(b) of the Department of Education Organiza-
6 tion Act (20 U.S.C. 3412(b)) is amended by striking
7 paragraph (3).

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

10 (i) by striking section 208; and

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

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

17 (b) SUPPORT AND ASSISTANCE PROGRAMS TO IM-
18 PROVE EDUCATION.—Title XIII of the Elementary and
19 Secondary Education Act of 1965 is repealed.

20 (b) FEDERAL EVALUATIONS, DEMONSTRATIONS,
21 AND TRANSITION PROJECTS.—

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



1 (2) CONFORMING AMENDMENT.—Section 1002
2 of the Elementary and Secondary Education Act of
3 1965 (20 U.S.C. 6302) is amended by striking sub-
4 section (g).

5 (c) NATIONAL EDUCATION STATISTICS.—

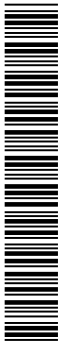
6 (1) IN GENERAL.—The National Education
7 Statistics Act of 1994 (title IV of the Improving
8 America’s Schools Act of 1994; 20 U.S.C. 9001 et
9 seq.) is repealed.

10 (2) CONFORMING AMENDMENTS.—(A) Section
11 5315 of title 5, United States Code, is amended by
12 striking the following:

13 “Commissioner, National Center for Education
14 Statistics.”.

15 (B) Section 447(b) of the General Education
16 Provisions Act (20 U.S.C. 1232j) is amended by
17 striking “section 404(a)(6) of the National Edu-
18 cation Statistics Act of 1994” and inserting “section
19 225(a)(6) of the Scientifically Based Education Re-
20 search, Statistics, Evaluation, and Information Act
21 of 2000”.

22 (C) Section 5307 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 7267) is
24 repealed.



1 (d) IMPROVING AMERICA'S SCHOOLS ACT OF 1994.—
2 Section 412 of the Improving America's Schools Act of
3 1994 is repealed.

4 (e) EFFECTIVE DATE OF REPEALS.—This section
5 shall take effect on September 30, 2001.

6 **SEC. 302. EFFECTIVE DATE.**

7 Except as otherwise provided in this Act, this Act and
8 the amendments made by this Act, shall take effect on
9 the date of enactment of this Act.

