

[COMMITTEE PRINT]

JULY 27, 2000

**[As Approved by the Subcommittee on Early Childhood,
Youth, and Families on July 26, 2000]**

106TH CONGRESS
2D SESSION

H. R. 4875

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

IN THE HOUSE OF REPRESENTATIVES

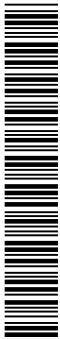
JULY 18, 2000

Mr. CASTLE (for himself, Mr. GOODLING, Mr. BALLENGER, Mr. BOEHNER,
Mr. DEMINT, and Mr. ISAKSON) introduced the following bill; which was
referred to the Committee on Education and the Workforce

A BILL

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

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



1 **SECTION 1. SHORT TITLE; 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.

10 (2) **BASIC RESEARCH.**—The term “basic re-
11 search” means research to gain fundamental knowl-
12 edge or understanding of phenomena and observable
13 facts without specific application toward processes or
14 products and for the advancement of knowledge in
15 the field of education.



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

8 (4) FIELD-INITIATED RESEARCH.—The term
9 “field-initiated research” means basic research or
10 applied research in which topics and methods of
11 study are generated by investigators, including
12 teachers and other practitioners, and which conform
13 to scientifically valid research.

14 (5) SCIENTIFICALLY BASED QUANTITATIVE RE-
15 SEARCH STANDARDS.—The term “scientifically
16 based quantitative research standards”—

17 (A) means the application of rigorous, sys-
18 temic, and objective procedures to obtain valid
19 knowledge relevant to education activities and
20 programs; and

21 (B) includes research that—

22 (i) employs systematic, empirical
23 methods that draw on observation or ex-
24 periment;



1 (ii) involves rigorous data analyses
2 that are adequate to test the stated
3 hypotheses and justify the general conclu-
4 sions drawn;

5 (iii) relies on measurements or obser-
6 vational methods that provide valid data
7 across evaluators and observers and across
8 multiple measurements and observations
9 and across studies by the same or different
10 investigators;

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

20 (v) ensure experimental studies are
21 presented in sufficient detail and clarity to
22 allow for replication, or at a minimum
23 offer the opportunity to build systemati-
24 cally on its findings.



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

4 (A) means the systematic collection and
5 analysis of data often associated with traditions
6 of inquiry historically based in the humanities;
7 and

8 (B) includes research that—

9 (i) uses some combination of partici-
10 pant observation, in-depth interviewing and
11 document collection;

12 (ii) is intended to explore issues and
13 hypotheses whose underlying dynamics and
14 factors are not sufficiently well refined, un-
15 derstood, or amenable to experimental con-
16 trol to permit adequate study through
17 quantitative research.

18 (iii) may include case studies,
19 ethnographies, life histories, multisite case
20 studies, and participatory action research;
21 and

22 (iv) uses approaches to assess the ex-
23 perimental knowledge acquired to assure
24 that the findings are scientifically valid
25 and replicable.



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

3 (A) means program evaluation that—

4 (i) adheres to the highest possible
5 standards of quality with respect to re-
6 search design, statistical analysis, and the
7 dissemination of findings;

8 (ii) provides an adequate under-
9 standing of the programs being evaluated,
10 and examine program implementation, pro-
11 gram impacts and the relationships be-
12 tween these factors;

13 (iii) provides impact estimates that
14 truly reflect what was caused by the pro-
15 gram;

16 (iv) produces or leads to findings that
17 are broadly generalizable; and

18 (v) uses valid and reliable measures to
19 document program implementation and im-
20 pacts;

21 (B) includes only those program evalua-
22 tions that—

23 (i) use qualitative and quantitative
24 methodologies that are judged by the social



1 science and evaluation research commu-
2 nities to be of the highest quality;

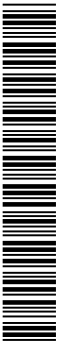
3 (ii) in order to study program impacts
4 use, whenever possible, some form of a
5 classical experimental design with random
6 assignment;

7 (iii) when experimental designs are
8 not feasible in order to study program im-
9 pacts, use the strongest possible quasi-ex-
10 perimental alternative, basing it on longi-
11 tudinal data; and

12 (iv) in order to study program imple-
13 mentation, use a combination of qualitative
14 and quantitative methods.

15 (8) DEVELOPMENT.—The term “development”
16 is the systematic use of knowledge or understanding
17 gained from the findings of scientifically valid re-
18 search that may prove useful in areas such as the
19 preparation of materials, new methods of instruction
20 and practices in teaching, which may lead to the im-
21 provement of the academic skills of students, and
22 that are replicable in different educational settings.

23 (9) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means the Committee on Education and



1 the Workforce of the House of Representatives and
2 the Committee on Health, Education, Labor, and
3 Pensions of the Senate.

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

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

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

15 (13) DISSEMINATION.—The term “dissemina-
16 tion” means the communication and transfer of the
17 results of scientifically valid research, statistics, and
18 evaluations, in forms that are understandable, easily
19 accessible and usable or adaptable for use in the im-
20 provement of educational practice by teachers, ad-
21 ministrators, librarians, other practitioners, re-
22 searchers, policymakers, and the public, through the
23 provision of technical assistance, electronic transfer,
24 and other means.



1 (14) ACADEMY.—The term “Academy” means
2 the National Academy for Education Research, Sta-
3 tistics, Evaluation, and Information established by
4 section 101 of this Act.

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

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

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

17 (A) except as provided in subparagraph
18 (B), mean each of the 50 States, the District
19 of Columbia, the Commonwealth of Puerto
20 Rico, Guam, American Samoa, the Virgin Is-
21 lands, and the Commonwealth of the Northern
22 Mariana Islands; and

23 (B) for purposes of chapter 3 of subtitle A
24 of title II of this Act, mean each of the 50



1 States, the District of Columbia, and the Com-
2 monwealth of Puerto Rico.

3 (18) STATE EDUCATIONAL AGENCY.—The term
4 “State educational agency” has the same meaning
5 given such term in section 14101(28) of the Elemen-
6 tary and Secondary Education Act of 1965 (20
7 U.S.C. 8801(28)).

8 (19) TECHNICAL ASSISTANCE.—The term
9 “technical assistance” means—

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

18 (B) assistance in interpreting, analyzing,
19 and in utilizing statistics and evaluations.

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

21 (a) IN GENERAL.—There are authorized to be appro-
22 priated for each of the fiscal years 2002 through 2006
23 \$368,580,000 to carry out titles I and II, of which—



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

4 (2) \$22,800,000 shall be made available to
5 carry out section 103 of title I;

6 (3) \$118,000,000 shall be made available to
7 carry out subsections (a) and (b) of section 104, of
8 which not more than 10 percent of the amount made
9 available under this paragraph shall be made avail-
10 able for such subsection (b);

11 (4) \$84,800,000 shall be made available to the
12 Commissioner of Research to carry out chapter 1 of
13 subtitle A of title II;

14 (5) \$25,000,000 shall be made available to the
15 Commissioner of Evaluation to carry out chapter 2
16 of subtitle A of title II;

17 (6) \$68,000,000 shall be made available to the
18 Commissioner of Statistics to carry out chapter 3 of
19 subtitle A of title II;

20 (7) \$4,000,000 shall be made available to the
21 National Assessment Governing Board to carry out
22 section 251 of subtitle B of title II; and

23 (8) \$36,000,000 shall be made available to the
24 National Assessment Governing Board to carry out



1 the National Assessment for Educational Progress
2 pursuant to section 252 of subtitle B of title II.

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

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

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

12 (a) ESTABLISHMENT.—

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

16 (A) by redesignating section 217 as section
17 218;

18 (B) by inserting after section 216 the fol-
19 lowing:

20 **“SEC. 217. NATIONAL ACADEMY FOR EDUCATION, RE-**
21 **SEARCH, STATISTICS, EVALUATION, AND IN-**
22 **FORMATION.**

23 “(a) ESTABLISHMENT.—There shall be, in the De-
24 partment, a National Academy for Education Research,
25 Statistics, Evaluation, and Information to be administered



1 by a Director appointed under section 101(c) of the Sci-
2 entifically Based Education Research, Statistics, Evalua-
3 tion, and Information Act of 2000.

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

18 (2) BOARD AND DIRECTOR.—The National
19 Academy for Education Research, Statistics, Evalua-
20 tion, and Information established under section 217
21 of the Department of Education Organization Act,
22 shall have a board of directors and shall be adminis-
23 tered in accordance with the provisions of this Act
24 under the supervision and direction of a Director.



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

12 (c) DIRECTOR.—The Director of the Academy shall
13 be appointed by the President, by and with the advice and
14 consent of the Senate, and shall serve for a term of 6
15 years, beginning on the date of appointment.

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

22 (e) PERSONNEL.—Consistent with title 5, United
23 States Code, the Director may appoint and fix the pay
24 of such staff as the Director determines to be necessary
25 to carry out the functions of the Academy which may in-



1 clude, as reasonably required by the Director, the hiring
2 of certain scientific or technical employees for limited peri-
3 ods of time, without regard to the provisions of title 5,
4 United States Code, governing appointment in the com-
5 petitive service, and the provisions of chapter 51 and sub-
6 chapter III of chapter 53 of such title relating to classi-
7 fication and General Schedule pay rates.

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

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

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

17 (3) coordinate and approve budgets as sub-
18 mitted by the Commissioners of each of the Centers
19 within the Academy;

20 (4) ensure the methodology applied in con-
21 ducting research, evaluation, and statistical analysis
22 is consistent with the relevant standards and defini-
23 tions of such activities under this Act;

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



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

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

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

10 (9) carry out other activities pursuant to this
11 Act.

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

17 (h) PUBLIC ACCESS.—The Director shall ensure that
18 the Commissioner of each Center establishes and main-
19 tains a regular schedule of data releases for all of the in-
20 formation it collects in order to carry out the missions of
21 the Centers. Data collected for statistical, research, and
22 evaluation purposes shall be archived in electronic format
23 and made accessible to the public in a timely fashion.

24 (i) CONFIDENTIALITY.—All collection, maintenance,
25 use, and dissemination of data by the Academy shall con-



1 form with the requirements of the Privacy Act of 1974
2 and the confidentiality requirements under section 229 of
3 this Act.

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

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

13 **SEC. 102. NATIONAL BOARD FOR EDUCATION RESEARCH,**
14 **STATISTICS, EVALUATION, AND INFORMA-**
15 **TION.**

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

19 (b) GENERAL FUNCTIONS.—The responsibility of the
20 Board shall be to—

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



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

5 (3) ensure activities carried out under the
6 Academy are not subject to partisan or political in-
7 fluence;

8 (4) provide advice and expertise to the Director
9 on general policies with respect to the duties of the
10 Academy;

11 (5) after 3 years, prepare a report that—

12 (A) assesses the effectiveness of the Acad-
13 emy in carrying out its mission, especially as it
14 relates to carrying out scientifically valid re-
15 search, conducting unbiased evaluations, and
16 collecting and reporting accurate education sta-
17 tistics;

18 (B) includes any recommendations regard-
19 ing what, if any, actions could be taken to en-
20 hance the ability of the Academy to achieve its
21 mission; and

22 (C) is sent to the appropriate congressional
23 committees; and

24 (6) carry out other duties and responsibilities
25 pursuant to this Act.



1 (c) COMPOSITION OF BOARD.—

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

4 (A) 1 member shall be the Commissioner
5 for Education Research appointed under section
6 203(a);

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

10 (C) 1 member shall be the Commissioner
11 for Education Statistics appointed under sec-
12 tion 224(a);

13 (D) 1 member shall be the Deputy Direc-
14 tor of the National Education Library and
15 Clearinghouse Office;

16 (E) 1 member shall be the Director of the
17 National Institute of Child Health and Human
18 Development;

19 (F) 1 member shall be the Director of the
20 Census;

21 (G) 1 member shall be the Commissioner
22 of Labor Statistics;

23 (H) 1 member shall be the President of the
24 National Academy of Sciences;



1 (I) 3 members shall be appointed by the
2 President;

3 (J) 4 members shall be appointed by the
4 Speaker of the House, 2 such members shall be
5 selected from recommendations made by the
6 majority leader of the House and 2 such mem-
7 bers shall be selected from recommendations
8 made by the minority leader of the House; and

9 (K) 4 members shall be appointed by the
10 President pro tempore of the Senate, of whom
11 2 such members shall be selected from rec-
12 ommendations made by the majority leader of
13 the Senate and 2 such members shall be se-
14 lected from recommendations made by the mi-
15 nority leader of the Senate.

16 (2) APPOINTED MEMBERSHIP.—Individuals ap-
17 pointed under subparagraphs (I), (J), and (K) of
18 paragraph (1), shall include individuals from each of
19 the following groups—

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

22 (B) parents;

23 (C) business leaders; and

24 (D) researchers.



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

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

7 (B) 4 years for each of 4 members of the
8 Board; and

9 (C) 3 years for each of 3 members of the
10 Board.

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

14 (5) CHAIRPERSON.—The Board shall annually
15 elect a Chairperson from among the members of the
16 Board.

17 (6) COMPENSATION.—Except as provided in the
18 following sentence, members of the Board shall serve
19 without pay. Members of the Board who are officers
20 or employees of the United States may not receive
21 additional pay, allowances, or benefits by reason of
22 their service on the Board.

23 (7) TRAVEL EXPENSES.—The members of the
24 Board shall receive travel expenses, including per
25 diem in lieu of subsistence, in accordance with sub-



1 chapter I of chapter 57 of title 5, United States
2 Code.

3 (8) EXECUTIVE DIRECTOR AND STAFF.—

4 (A) IN GENERAL.—The Board shall have
5 an Executive Director who shall be appointed
6 by the Board.

7 (B) STAFF.—Consistent with title 5,
8 United States Code, the Executive Director
9 may appoint and fix the pay of such staff as
10 the Executive Director determines to be nec-
11 essary to carry out the functions of the Board
12 which may include, as reasonably required by
13 the Executive Director, the hiring of certain sci-
14 entific or technical employees for limited peri-
15 ods of time, without regard to the provisions of
16 title 5, United States Code, governing appoint-
17 ment in the competitive service, and the provi-
18 sions of chapter 51 and subchapter III of chap-
19 ter 53 of such title relating to classification and
20 General Schedule pay rates.

21 (9) MEETINGS.—The Board shall meet not less
22 than 4 times each year. The Board shall hold addi-
23 tional meetings at the call of the Chairperson of the
24 Board or upon the request in writing of 6 members
25 of the Board.

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

3 **SEC. 103. NATIONAL EDUCATION LIBRARY AND CLEARING-**
4 **HOUSE OFFICE.**

5 (a) ESTABLISHMENT.—There is established, within
6 the Academy, a National Education Library and Clearing-
7 house Office (in this section referred to as the “Library”)
8 which shall be headed by a Deputy Director appointed by
9 the Director.

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

22 (c) ADDITIONAL REQUIREMENTS.—In carrying out
23 the duties under subsection (b), the Deputy Director
24 shall—



1 (1) ensure that information disseminated under
2 this section is completed in a cost-effective, non-
3 duplicative manner which may be through the estab-
4 lishment or continuation of individual clearing-
5 houses, to the extent determined appropriate by the
6 Deputy Director; and

7 (2) ensure that all information disseminated re-
8 flects the best information available from research
9 and practice which, at a minimum, shall include in-
10 formation in the core academic areas, including
11 reading, writing, mathematics, and science.

12 **SEC. 104. REGIONAL RESEARCH AND TECHNICAL ASSIST-**
13 **ANCE.**

14 (a) REGIONAL RESEARCH AND ASSISTANCE.—

15 (1) IN GENERAL.—The Director of the Acad-
16 emy shall—

17 (A) establish, oversee, and coordinate a na-
18 tionwide, regional network of entities authorized
19 to provide comprehensive applied research, de-
20 velopment, and technical assistance and pro-
21 mote reform initiatives to States, local edu-
22 cational agencies, schools, tribes, community-
23 based organizations, and other appropriate enti-
24 ties; and



1 (B) in identifying not more than 10 re-
2 gional areas of the United States to make up
3 such network, utilize the geographic regions es-
4 tablished under section 941(h)(2) of Public Law
5 103–227, as such Act was in effect on Sep-
6 tember 30, 2000.

7 (2) REGIONAL BOARDS.—Each region referred
8 to in paragraph (1)(B) shall be governed by a re-
9 gional board which shall be established by the Gov-
10 ernors in consultation with the chief State school of-
11 ficers in such region. The membership of such board
12 shall not exceed 25 members, shall represent a bal-
13 ance representation of States in the region and con-
14 sist of the following individuals:

15 (A) Not more than one representative of
16 each State educational agency geographically lo-
17 cated in the region.

18 (B) Representatives of local educational
19 agencies, who shall be selected jointly by the
20 Governors and the chief State school officers in
21 such States represented by such region and
22 shall include representatives of urban and rural
23 areas.

24 (C) Representatives of institutions of high-
25 er education, including individuals representing



1 university-based education research, and univer-
2 sity-based research other than education, who
3 shall be selected jointly by the Governors and
4 the chief State school officers from the States
5 represented by such region.

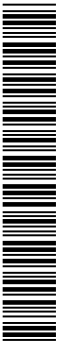
6 (D) Parents, who shall be selected jointly
7 by the Governors and the chief State school of-
8 ficers in such States represented by such re-
9 gion.

10 (E) Practicing educators, including class-
11 room teachers, principals, administrators,
12 school board members, and other local school
13 officials, who shall be selected jointly by the
14 Governors and the chief State school officers in
15 such States represented by such region;

16 (F) Representatives of business, who shall
17 be selected jointly by the Governors and the
18 chief State school officers in such States rep-
19 resented by such region

20 (G) Researchers, who shall be selected
21 jointly by the Governors and the chief State
22 school officers in such States represented by
23 such region.

24 (3) SPECIAL RULE.—The number of members
25 on each such board selected under subparagraphs



1 (B), (D), and (E) collectively, shall total more than
2 those selected under subparagraphs (A), (C), (F),
3 and (G), collectively.

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

5 (A) develop a plan for identifying and serv-
6 ing the needs of all States within the region by
7 conducting a survey of the educational needs,
8 strengths, and weaknesses within the region, in-
9 cluding a process of open hearings to solicit the
10 views and needs of schools, public charter
11 schools, teachers, administrators, parents, local
12 educational agencies, librarians, businesses,
13 State educational agencies and other customers
14 within the region;

15 (B) forward such plan to the Director and
16 the Commissioner of Education Research, ap-
17 pointed under section 203, to assist in making
18 decisions regarding the national priorities with-
19 in education research;

20 (C) be the sole entity that guides and di-
21 rects entities in paragraph (6)(A)(i) in carrying
22 out the provisions of this paragraph, satisfying
23 the terms and conditions of their contract
24 award and determining the regional agenda and
25 mission of such entities;



1 (D) ensure that the entities in paragraph
2 (6)(A)(i) attain and maintain a high level of
3 quality of the entities' work;

4 (E) establish standards to ensure that each
5 entity in paragraph (6)(A)(i) has strong and ef-
6 fective governance, organization, management,
7 and administration, and employs qualified staff;
8 and

9 (F) directs each entity in paragraph
10 (6)(A)(i) to carry out its duties in a manner
11 that will make progress toward reforming
12 schools and educational systems.

13 (5) APPLIED RESEARCH, DEVELOPMENT, DIS-
14 SEMINATION AND TECHNICAL ASSISTANCE.—Based
15 upon the plan described in paragraph (4), each re-
16 gional board shall carry out comprehensive applied
17 research, development, dissemination, and technical
18 assistance and reform initiatives, which, at a min-
19 imum, shall include—

20 (A) the dissemination of research, informa-
21 tion, products, and publications developed
22 through or supported by the Department of
23 Education, including the Academy, to schools,
24 educators, parents, and policymakers through-
25 out the United States, including, at a min-



1 imum, information related to the core academic
2 areas of mathematics, science, reading, as well
3 as education technology;

4 (B) training and technical assistance to
5 State educational agencies, local educational
6 agencies, schools, public charter schools, tribes,
7 community-based organizations, and other ap-
8 propriate entities, in areas which, at a min-
9 imum, shall include—

10 (i) the administration and implemen-
11 tation of programs under the Elementary
12 and Secondary Education Act of 1965;

13 (ii) the implementation of effective
14 schoolwide programs under title I of the
15 Elementary and Secondary Education Act
16 of 1965;

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



1 (iv) the provision of education prod-
2 ucts based upon scientifically based edu-
3 cation research in a usable form in order
4 to promote school improvement and aca-
5 demic achievement and to correct edu-
6 cational deficiencies; and

7 (v) the facilitation of communication
8 between educational experts, school offi-
9 cials, and teachers, parents, and librarians;

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

18 (D) the use of applied research to assist in
19 solving site-specific problems and to assist in
20 development activities.

21 (6) AUTHORITY.—

22 (A) IN GENERAL.—To carry out the activi-
23 ties described in paragraph (5), each regional
24 board shall—



1 (i) enter into contracts with entities
2 on a competitive basis, to provide services
3 under this subsection, through not less
4 than—

5 (I) 1 entity whose primary duties
6 shall include those described in para-
7 graph (5)(A), (5)(B)(iii), (5)(B)(iv),
8 (5)(B)(v), (5)(C), and (5)(D); and

9 (II) 1 entity whose primary du-
10 ties shall include those described in
11 paragraph (5)(B)(i) and (5)(B)(ii);
12 and

13 (III) of which at least one of the
14 entities described in subclauses (I)
15 and (II) shall be a nonprofit entity;

16 (ii) provide grants or enter into con-
17 tracts or cooperative agreements, each of
18 which shall be on a competitive basis, with
19 private or public, for profit, or nonprofit
20 research organizations, institutions, agen-
21 cies, institutions of higher education, indi-
22 viduals, or partnerships among such enti-
23 ties, with the demonstrated ability or ca-
24 pacity to carry out the duties under this
25 subsection, which may also include entities



1 that carried out, on the day preceding the
2 date of the enactment of this Act, activities
3 under—

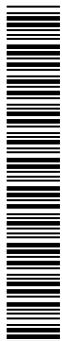
4 (I) part A of title XIII of the El-
5 elementary and Secondary Education
6 Act of 1965, Comprehensive Regional
7 Assistance Centers;

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

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

17 (IV) section 931(c)(1)(B) of Pub-
18 lic Law 103–227, National Research
19 and Development Centers; and

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

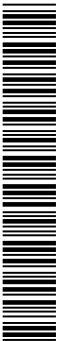


1 (B) OBJECTIVES AND INDICATORS.—Prior
2 to making a grant under subparagraph (A)(ii),
3 the board shall design specific objectives and
4 measurable indicators to be used to assess the
5 particular program or initiatives and ongoing
6 progress and performance to ensure the needs
7 of the region are being met and that the latest
8 and best research and proven practices are
9 being carried out as part of school improvement
10 efforts;

11 (C) PRIORITY.—In carrying out activities
12 under this section, each regional board shall
13 give priority to—

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

24 (ii) local educational agencies in which
25 a high percentage or numbers of school age



1 children are from low-income families, as
2 determined under section 1124(c)(1)(A) of
3 the Elementary and Secondary Education
4 Act of 1965, including such local edu-
5 cational agencies in rural and urban areas.

6 (D) OTHER DUTIES.—Each regional board
7 also shall—

8 (i) have the authority to accept gifts,
9 in kind contributions, services, or other as-
10 sistance to enable expansion and contin-
11 uous improvement of its activities; and

12 (ii) ensure its activities meet the ap-
13 plicable standards of quality and the needs
14 of the region;

15 (iii) establish such governance, organi-
16 zation, management, administration, and
17 employ such qualified staff as it considers
18 appropriate to carry out its activities.

19 (iv) provide services and conduct ac-
20 tivities using the highest quality and most
21 cost effective strategies possible; and

22 (v) assure that each of the entities
23 funded under this section coordinate their
24 activities.

25 (7) FUNDING.—



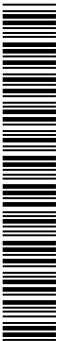
1 (A) IN GENERAL.—From funds made
2 available under section 3(a)(3), the Secretary
3 shall provide each regional board submitting an
4 application under subparagraph (B), an amount
5 approximate to the level of funding received by
6 such region or similar region, under prior re-
7 gional assistance programs as described under
8 paragraph (6)(A)(ii), of which not more than
9 10 percent shall be used for indirect costs using
10 generally accepted accounting principles.

11 (B) APPLICATION.—Each regional board
12 seeking funds under this section shall submit an
13 application, to the Director for approval, which
14 shall—

15 (i) describe how the board will carry
16 out the activities in accordance with this
17 paragraph; and

18 (ii) provide an assurance that the re-
19 gional board will give priority in providing
20 services to the schools and school districts
21 described in paragraph (6)(C);

22 (iii) contain such additional informa-
23 tion as the Director may reasonably re-
24 quire.



1 (8) COORDINATION.—In order to assure coordi-
2 nation and prevent unnecessary duplication of activi-
3 ties among the regions, the Director shall establish
4 and maintain a system to—

5 (A) share information about the activities
6 of each region;

7 (B) plan joint activities that meet the
8 needs of multiple regions;

9 (C) create a strategic plan for the develop-
10 ment of activities undertaken by the each re-
11 gion to reduce redundancy and increase collabo-
12 ration and resource-sharing in such activities;
13 and

14 (D) devise means by which the work of the
15 individual regions serve national, as well as re-
16 gional education needs.

17 (9) EVALUATION.—The Director shall provide
18 for ongoing independent evaluations of the regions
19 in carrying out the duties of this subsection, the re-
20 sults of which shall be transmitted to the relevant
21 committees of Congress and the Board. Such evalua-
22 tion shall include an analysis of the services provided
23 under this subsection, the extent to which the region
24 has met the objectives of its plan submitted pursu-
25 ant to paragraph (4)(A), and whether such services



1 have met the needs of local educational agencies and
2 schools in the region, including those local edu-
3 cational agencies and schools described under para-
4 graph (6)(C).

5 (b) SCHOOL-BASED CUSTOMER DRIVEN TECHNICAL
6 ASSISTANCE.—

7 (1) RESERVATION.—From funds made available
8 under section 3(a)(3), for any fiscal year, and after
9 reserving 1 percent of such funds for grants to Bu-
10 reau funded schools (defined in section 1146 of the
11 Education Ammendments of 1978 (25 U.S.C.
12 2026)) and the outlying areas, the Secretary shall
13 award grants to State educational agencies on a
14 competitive basis consistent with this subsection.

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

21 (A) the eligible State shall give priority
22 to—

23 (i) schools with high percentages or
24 numbers of students from low-income fam-
25 ilies, as determined under section



1 1113(a)(5) of the Elementary and Sec-
2 ondary Education Act of 1965, including
3 such schools in rural and urban areas, and
4 schools participating in schoolwide pro-
5 grams under title I of the Elementary and
6 Secondary Education Act of 1965 (20
7 U.S.C. 6301 et seq.); and

8 (ii) local educational agencies in which
9 a high percentage or numbers of school-age
10 children are from low-income families, as
11 determined under section 1124 (c)(1)(A) of
12 the Elementary and Secondary Education
13 Act of 1965, including such local edu-
14 cational agencies in rural and urban areas;

15 (B) the State will help educators become
16 better consumers of education research by as-
17 sisting them in evaluating the quality of re-
18 search;

19 (C) the eligible State shall ensure that ac-
20 tivities are coordinated with the services avail-
21 able under the National Education Library and
22 Clearinghouse Office and the regional boards
23 established in subsection (b); and

24 (D) assist schools in evaluating education
25 services to ensure they are cost-effective and re-



1 flect the best information available for research
2 and practice based upon scientifically valid re-
3 search;

4 (3) LOCAL GRANTS.—

5 (A) IN GENERAL.—Each eligible State that
6 receives a grant under this subsection shall use
7 not less than 95 percent of such funds to award
8 grants on a competitive basis to local edu-
9 cational agencies to provide such agencies with
10 the opportunity to choose technical assistance
11 from high quality providers able to meet the
12 particular needs of such agency with a priority
13 for local educational agencies in which a high
14 percentage or number of school age children are
15 from low-income families, as determined under
16 section 1124 (c)(1)(A) of the Elementary and
17 Secondary Education Act of 1965, including
18 such local educational agencies in rural and
19 urban areas.

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



1 (i) the local educational agency's need
2 for technical assistance; and

3 (ii) how the local educational agency
4 will use funds provided under this sub-
5 section to coordinate all its various sources
6 of funds for technical assistance into an in-
7 tegrated system for acquiring and using
8 outside technical assistance and other
9 means of building its own capacity to pro-
10 vide the opportunity for all children to
11 achieve to challenging State academic con-
12 tent standards.

13 (C) LOCAL USES OF FUNDS.—Each local
14 educational agency receiving funds under this
15 subsection may use such funds to—

16 (i) build capacity to use technical as-
17 sistance funds provided under this sub-
18 section effectively through the acquisition
19 of technical assistance based upon scientif-
20 ically valid education research;

21 (ii) develop, coordinate, and imple-
22 ment an integrated system of providing
23 technical assistance to its schools using all
24 available sources of funds provided for
25 technical assistance; and



1 (iii) acquire the technical assistance
2 the agency needs to increase opportunities
3 for all children to achieve to challenging
4 State academic content standards.

5 (c) DEFINITION.—For the purpose of this section,
6 the term “eligible State” means—

7 (1) the Governor of the State; or

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

13 **TITLE II—NATIONAL CENTERS**
14 **FOR EDUCATION RESEARCH,**
15 **EVALUATION, AND STATIS-**
16 **TICS; NATIONAL ASSESSMENT**
17 **GOVERNING BOARD**

18 **Subtitle A—National Centers for**
19 **Education Research, Evalua-**
20 **tion, and Statistics**

21 **CHAPTER 1—NATIONAL CENTER FOR**
22 **EDUCATION RESEARCH**

23 **SEC. 201. DECLARATION OF POLICY.**

24 The Congress declares the following:



1 (1) It is the policy of the United States that
2 education is the primary responsibility of the States
3 and the people.

4 (2) The role of the Federal Government is to
5 supplement education efforts at the State and the
6 local levels, especially in areas where students are
7 most disadvantaged.

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

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

14 **SEC. 202. ESTABLISHMENT.**

15 (a) **ESTABLISHMENT.**—There is established within
16 the Academy a National Center for Education Research
17 (hereafter in this chapter referred to as the “Center”).

18 (b) **MISSION.**—The mission of the Center shall be to
19 provide national leadership in—

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

24 (2) using accepted practices of scientific inquiry
25 to obtain knowledge, comprehension, or under-



1 standing of the truth of a particular educational the-
2 ory, practice, or condition; and

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

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

7 (a) COMMISSIONER.—The Center shall be headed by
8 a Commissioner of Education Research (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, including a high level
14 of expertise in the field of research and research
15 management;

16 (2) shall be paid in accordance with section
17 5315 of title 5, United States Code; and

18 (3) shall serve a term of 6 years beginning in
19 2001, with the terms to expire July 1 of every 6th
20 year.

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



1 (1) scientific and technical standards to govern
2 the activities of the Center and the research it sup-
3 ports;

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

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

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

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

21 **SEC. 204. DUTIES.**

22 (a) GENERAL DUTIES.—The duties of the Commis-
23 sioner are—

24 (1) to maintain published peer review standards
25 and standards for the conduct and evaluation of all

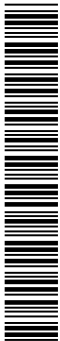


1 research, development, and dissemination carried out
2 under the auspices of the Center pursuant to the
3 provisions of this chapter;

4 (2) to approve and carry out the specific long-
5 term priorities as developed by the Committee for
6 Education Research established under section 205
7 based upon the general priorities set forth by the
8 Academy;

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

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



1 (A) is performance-based and subject to
2 objective and measurable indicators, including
3 timelines, that are used to assess the progress
4 and performance of such research;

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

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

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

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

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



1 (8) to prepare and submit an annual report, as
2 described in section 206, which shall, along with the
3 research priorities, be made available to the public
4 through such means as the Internet.

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

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

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

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

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

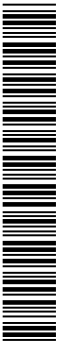
23 (2) describe how such findings or under-
24 standing extends or otherwise relates to what had
25 been previously known or understood;

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 1 of
11 not more than 4 classifications which shall be devel-
12 oped by the Commissioner within 3 months after the
13 date on which such first Commissioner is appointed,
14 which provides a user-friendly mechanism for par-
15 ents, educators, policymakers, and the general public
16 to determine the type, reliability, and utility of spe-
17 cific research in accordance with scientifically valid
18 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 2 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. A majority
21 of members of the Committee shall be experts in scientif-
22 ically valid research, including at least 1 expert in the field
23 of education and at least 1 expert in an academic dis-
24 cipline 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 provision of section
11 552b of title 5, United States Code (commonly re-
12 ferred to as the Government in the Sunshine Act)
13 shall apply to meetings of the Committee.

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

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

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

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



1 (4) to review the dissemination activities of the
2 Academy to ensure that scientifically valid research
3 is being effectively disseminated to schools and
4 teachers; and

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

7 (A) the research activities of the Center;
8 and

9 (B) the state of the quality of Federal edu-
10 cation research.

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

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

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

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

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



1 (4) to provide recommendations for how re-
2 search conducted by the Center translates findings
3 into workable, adaptable models for use in policy
4 and in practice across different settings, and rec-
5 ommendations for other forms of dissemination.

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

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

16 (2) shall appoint not more than 5 employees to
17 carry out the duties of the Committee;

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

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



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

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

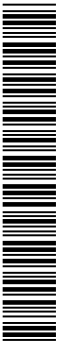
8 (7) shall establish such rules and procedures to
9 govern its operations as it considers appropriate, to
10 the extent otherwise permitted by law.

11 **SEC. 206. REPORT.**

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

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

19 (2) a detailed summary of each grant, contract,
20 and cooperative agreement in excess of \$100,000
21 funded during the prior fiscal year, including, at a
22 minimum, the amount of funds, duration, recipient,
23 purpose, goal, and object of the funds in meeting the
24 mission of the Center, the products completed
25 through such funds, and an evaluation of the use of



1 such funds, which shall be available in a user-friend-
2 ly electronic database;

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

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

11 **SEC. 207. AUTHORITY TO PUBLISH.**

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

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

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

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

24 (3) are based upon standards described in sec-
25 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;



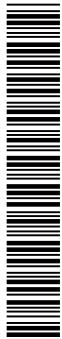
1 (4) describe the procedures which shall be uti-
2 lized in evaluating applications for grants, proposed
3 cooperative agreements, and contract bids and speci-
4 fy the criteria and factors which shall be considered
5 in making such evaluations; and

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).



1 **CHAPTER 2—NATIONAL CENTER FOR**
2 **PROGRAM EVALUATION**

3 **SEC. 211. ESTABLISHMENT.**

4 (a) ESTABLISHMENT.—There is established within
5 the Academy a National Center for Program Evaluation
6 (hereafter in this chapter referred to as the “Center”).

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

11 **SEC. 212. COMMISSIONER; STAFF.**

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

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

22 (2) shall oversee all evaluation activities of the
23 Center, the awarding of contracts, the development
24 of evaluation methodology, reporting the findings of
25 evaluations to the public and Congress, and other



1 duties essential to carrying out the mission of the
2 Center; and

3 (3) shall serve a term of 6 years.

4 (b) STAFF.—

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

17 (2) REAPPOINTMENT.—The Commissioner may
18 reappoint an employee described in paragraph (1)
19 for 1 additional term not to exceed 3 years if deter-
20 mined necessary by the Commissioner.

21 **SEC. 213. DUTIES.**

22 (a) GENERAL DUTIES.—

23 (1) IN GENERAL.—The duties of the Center
24 are—



1 (A) to conduct evaluations of other Federal
2 education programs, as determined by the Di-
3 rector in consultation with the Secretary;

4 (B) to evaluate programs under title I of
5 the Elementary and Secondary Education Act
6 of 1965;

7 (C) to coordinate program evaluation with
8 the appropriate program office within the De-
9 partment of Education;

10 (D) to submit to the Director, the Sec-
11 retary of Education, and the appropriate con-
12 gressional committees a report on the Center's
13 evaluation activities on a semiannual basis; and

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

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

23 (b) ADMINISTRATION OF EVALUATIONS UNDER
24 TITLE I OF THE ELEMENTARY AND SECONDARY EDU-
25 CATION ACT OF 1965.—



1 (1) IN GENERAL.—The Center shall administer
2 all operations and contracts associated with evalua-
3 tions authorized by part E of title I of the Elemen-
4 tary and Secondary Education Act of 1965 (20
5 U.S.C. 6491 et seq.) and administered by the De-
6 partment of Education as of the date of the enact-
7 ment of this Act. These evaluations are to include—

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

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

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

22 (3) NATIONAL ASSESSMENT OF TITLE I.—The
23 Commissioner, in coordination with the longitudinal
24 study under paragraph (1)(B) (and which shall be
25 planned, reviewed, and conducted with an inde-



1 pendent review panel authorized under section 214),
2 shall conduct a national assessment of title I of the
3 Elementary and Secondary Education Act of 1965
4 (20 U.S.C. 6301 et seq.) and shall examine in ac-
5 cordance with the standards under paragraph (2)—

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

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

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

23 (D) the effectiveness of different com-
24 prehensive school reform models funded under
25 title I of the Elementary and Secondary Edu-



1 cation Act of 1965 on improving achievement of
2 disadvantaged students;

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

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

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

15 (H) the impact of the professional develop-
16 ment activities supported under title I of the
17 Elementary and Secondary Education Act of
18 1965 on instruction and student performance;

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

23 (J) the effectiveness of Federal administra-
24 tion, including monitoring and technical assist-
25 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.

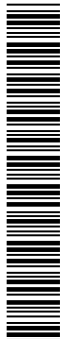
7 (vi) An analysis of the effect of the
8 summer break on maintaining and building
9 on achievement gains from 1 year to the
10 next, and the effect of summer school on
11 narrowing achievement gaps.

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 schools participating in programs
18 under title I of such Act and shall ensure that
19 it includes—

20 (i) an analysis of different types of
21 models or strategies for delivering school
22 services, 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-
24 annual 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.—Each panel shall consist of not
11 more than 15 members, and shall be selected by the Sec-
12 retary from nominations submitted by the Director and
13 shall include—

14 (1) individuals who are specialists in statistics,
15 evaluation, research, and assessment, of whom, in
16 order to ensure diversity, the majority shall rep-
17 resent disciplines or programs outside of the field of
18 education;

19 (2) education practitioners, including teachers,
20 principals, and local and State superintendents; and

21 (3) other individuals with technical expertise
22 who would contribute to the overall rigor and quality
23 of the program evaluation.

24 The total number of members selected pursuant to para-
25 graph (2) shall not exceed one-third of the total number
26 of members of the panel.

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

4 (d) POWERS.—Each panel shall—

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

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

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

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

18 **SEC. 215. AUTHORITY TO PUBLISH.**

19 The Commissioner is authorized to prepare and pub-
20 lish such information, reports, and documents as may be
21 of value in carrying out the purposes of this chapter and
22 are consistent with the purpose and mission of the Center
23 as described in section 211(b).



1 **CHAPTER 3—NATIONAL CENTER FOR**
2 **EDUCATION STATISTICS**

3 **SEC 221. SHORT TITLE.**

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

6 **SEC. 222. FINDINGS; PURPOSE.**

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

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

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

23 (3) It is paramount that the collecting, ana-
24 lyzing, and reporting of information and statistics be
25 done in a manner that is objective and free of par-



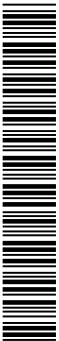
1 tisan and political influence, and that such activities
2 can be most effectively carried out by a National
3 Center for Education Statistics.

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

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

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

21 (7) Entering the 21st century, the National
22 Center for Education Statistics must be able to de-
23 sign and undertake, effectively and efficiently, statis-
24 tical activities that will aid in the reform of the Na-
25 tion's educational systems.



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

8 **SEC. 223. ESTABLISHMENT.**

9 (a) ESTABLISHMENT.—There is established within
10 the Academy a National Center for Education Statistics
11 (hereafter in this chapter referred to as the “Center”).

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

13 (1) to collect and analyze education information
14 and statistics under this Act in a manner that meets
15 the highest methodological standards;

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

18 (3) to collect, analyze, and report education in-
19 formation and statistics under this Act in a manner
20 that—

21 (A) is objective and free of partisan and
22 political influence; and

23 (B) is relevant and useful to practitioners,
24 researchers, policymakers, and the public.



1 **SEC. 224. COMMISSIONER; DEPUTY COMMISSIONER AND**
2 **ASSOCIATE COMMISSIONERS; STAFF.**

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

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

10 (2) shall be paid in accordance with section
11 5315 of title 5, United States Code; and

12 (3) shall serve a term of 6 years beginning in
13 2001, with the terms to expire July 1 of every 6th
14 year.

15 (b) DEPUTY COMMISSIONER AND ASSOCIATE COM-
16 MISSIONERS.—The Commissioner may appoint a Deputy
17 Commissioner and such Associate Commissioners as the
18 Commissioner determines are necessary and appropriate.

19 (c) STAFF.—

20 (1) IN GENERAL.—The Commissioner may ap-
21 point, for terms not to exceed 3 years (without re-
22 gard to the provisions of title 5, United States Code,
23 governing appointment in the competitive service)
24 such statistical experts of the Center as the Commis-
25 sioner considers necessary to accomplish the Cen-
26 ter’s mission, provided that—



1 (A) prior to the appointment of any such
2 employee, public notice is given of the avail-
3 ability of such position and an opportunity is
4 provided for qualified individuals to apply and
5 compete for such position;

6 (B) the appointment of such employee is
7 necessary to provide the Center with scientific
8 and technical expertise which could not other-
9 wise be obtained by the Center through the
10 competitive service; and

11 (C) the total number of such employees
12 does not exceed 10 percent of the number of
13 full-time professional employees of the Center.

14 (2) REAPPOINTMENT OF EMPLOYEES.—The
15 Commissioner may reappoint employees described in
16 paragraph (1) upon presentation of clear and con-
17 vincing evidence of need, for 1 additional term not
18 to exceed 3 years. All such employees shall work on
19 activities of the Center and shall not be reassigned
20 to other duties outside the Center during their term.

21 **SEC. 225. DUTIES.**

22 (a) GENERAL DUTIES.—The duties of the Center are
23 to collect, analyze, and disseminate statistics and other in-
24 formation related to education in the United States and
25 in other nations, including—

1 (1) collecting, acquiring, compiling (where ap-
2 propriate, on a State by State basis), and dissemi-
3 nating full and complete statistics on the condition
4 and progress of education, at the preschool, elemen-
5 tary, secondary, postsecondary, and adult levels in
6 the United States, including data on—

7 (A) State and local education reform ac-
8 tivities;

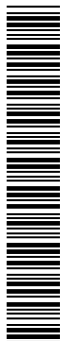
9 (B) student achievement at all levels of
10 education;

11 (C) secondary school completions, drop-
12 outs, and adult literacy;

13 (D) educational access to and opportunity
14 for postsecondary education, including data on
15 financial aid to postsecondary students;

16 (E) teaching, including data on course-tak-
17 ing, instruction, the conditions of the education
18 workplace, and the supply of, and demand for,
19 teachers, which may include data on the propor-
20 tions of women and men, cross-tabulated by
21 race or ethnicity, teaching subjects in which
22 such individuals have been historically under-
23 represented;

24 (F) the learning and teaching environment,
25 including data on libraries;



1 (G) the incidence, frequency, seriousness,
2 and nature of violence affecting students, school
3 personnel, and other individuals participating in
4 school activities, as well as other indices of
5 school safety;

6 (H) the financing and management of edu-
7 cation, including data on revenues and expendi-
8 tures;

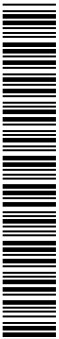
9 (I) the social and economic status of chil-
10 dren, including the relationship to academic
11 achievement; and

12 (J) the existence of Internet technology
13 and access to the Internet in elementary and
14 secondary schools;

15 (2) conducting and publishing reports and anal-
16 yses of the meaning and significance of such statis-
17 tics;

18 (3) conducting longitudinal studies, as well as
19 regular and special surveys and data collections, nec-
20 essary to report on the condition and progress of
21 education;

22 (4) collecting, analyzing, cross-tabulating, and
23 reporting, to the extent feasible, so as to provide in-
24 formation by gender, race, socioeconomic status,
25 level of English proficiency, and other population



1 characteristics when such disaggregated information
2 would facilitate educational and policy decision-
3 making;

4 (5) assisting public and private educational
5 agencies, organizations, and institutions in improv-
6 ing and automating statistical and data collection
7 activities; and

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

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

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

17 (2) disseminating information in a timely fash-
18 ion, and in formats that are easily accessible and us-
19 able by researchers, practitioners, and the general
20 public;

21 (3) utilizing the most modern technology and
22 other methods available, including arrangements to
23 use data collected electronically by States and local
24 educational agencies, to ensure the efficient collec-



1 tion and timely distribution of information, including
2 data and reports;

3 (4) establishing, and measuring the Center's
4 performance against, a set of indicators for the qual-
5 ity of data collected, analyzed, and reported by the
6 Center;

7 (5) continuously improving the management
8 strategies and practices of the Center; and

9 (6) making data available to the public in an
10 expeditious fashion.

11 (c) TRAINING PROGRAM.—The Commissioner may
12 establish a program to train employees of public and pri-
13 vate educational agencies, organizations, and institutions
14 in the use of the Center's standard statistical procedures
15 and concepts and may establish a fellowship program to
16 appoint such employees as temporary fellows at the Center
17 in order to assist the Center in carrying out its duties.

18 **SEC. 226. PERFORMANCE OF DUTIES.**

19 (a) GRANTS, CONTRACTS, AND COOPERATIVE
20 AGREEMENTS.—

21 (1) IN GENERAL.—In carrying out the duties of
22 the Center under this chapter, the Commissioner
23 may award grants and enter into contracts and co-
24 operative agreements.



1 (2) DURATION.—Notwithstanding any other
2 provision of law, the grants, contracts, and coopera-
3 tive agreements under this section may be awarded,
4 on a competitive basis, for a period of not more than
5 5 years, and may be renewed at the discretion of the
6 Commissioner for an additional period of not more
7 than 5 years.

8 (b) GATHERING INFORMATION.—

9 (1) AUTHORITY OVER IMPLEMENTATION OF
10 DATA COLLECTION.—Except with respect to the Na-
11 tional Assessment of Educational Progress carried
12 out under subtitle B of this title, the Commissioner
13 shall have final authority within the Academy with
14 respect to decisions regarding the implementation of
15 data collection activities, including the appropriate-
16 ness of specific collection methodologies.

17 (2) SAMPLING.—The Commissioner may use
18 the statistical method known as sampling to carry
19 out the purpose of this chapter.

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

23 (A) from States, local educational agencies,
24 public and private schools, preschools, institu-
25 tions of postsecondary education, libraries, ad-



1 ministrators, teachers, students, the general
2 public, and such other individuals, organiza-
3 tions, agencies, and institutions as the Commis-
4 sioner may consider appropriate (including in-
5 formation collected by States and local edu-
6 cational agencies for their own use);

7 (B) by other offices within the Academy
8 and by other Federal departments, agencies,
9 and instrumentalities.

10 (4) COLLECTION.—The Commissioner may—

11 (A) enter into interagency agreements for
12 the collection of statistics;

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

15 (C) assign employees of the Center to any
16 such agency, organization, or institution to as-
17 sist in such collection.

18 (5) TECHNICAL ASSISTANCE AND COORDINA-
19 TION.—In order to maximize the effectiveness of
20 Federal efforts to serve the educational needs of
21 children and youth, the Commissioner shall—

22 (A) provide technical assistance to the De-
23 partment of Education offices that gather data
24 for statistical purposes; and



1 (B) coordinate closely with other Depart-
2 ment of Education offices in the collection of
3 data.

4 (6) ADDITIONAL REQUIREMENT.—To assure
5 adequate notification, the Commissioner shall notify
6 the sources of information and others identified in
7 paragraph (3) of—

8 (A) the hardware and software require-
9 ments for electronic submission of data in a
10 reasonable amount of time in advance of new
11 collection activities for which electronic submis-
12 sion will be required, but not less than 6
13 months prior thereto; and

14 (B) any new requirements for data collec-
15 tion and submissions in a reasonable amount of
16 time prior to the period for which the new data
17 collection is required, but not less than 6
18 months prior thereto.

19 **SEC. 227. REPORTS.**

20 (a) REPORT ON CONDITION AND PROGRESS OF EDU-
21 CATION.—The Commissioner shall, not later than June 1,
22 2001, and each succeeding June 1 thereafter, submit to
23 the President and the appropriate congressional commit-
24 tees, a statistical report on the condition and progress of
25 education in the United States.



1 (b) STATISTICAL REPORTS.—The Commissioner
2 shall issue regular statistical reports to the President and
3 the appropriate congressional committees on such edu-
4 cation topics as the Commissioner determines to be appro-
5 priate.

6 (c) SPECIAL REPORTS.—The Commissioner may,
7 whenever the Commissioner considers it appropriate, issue
8 special reports on particular education topics.

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

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

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

19 (b) MEMBERSHIP.—

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

22 (A) 18 voting members who are users of
23 education data and who are appointed by the
24 Secretary from among nominations submitted
25 by the Director and who have experience and



1 eminence within the field of education, of whom
2 at least—

3 (i) 3 shall be practicing educators;

4 (ii) 3 shall be education policymakers;

5 (iii) 3 shall be professional statisti-
6 cians;

7 (iv) 3 shall be education researchers;

8 and

9 (v) 3 shall be experts in educational
10 measurement;

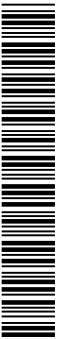
11 (B) 3 individuals representing the general
12 public, appointed by the Secretary from nomi-
13 nations submitted by the Director;

14 (C) the Director of the Bureau of the Cen-
15 sus and the Commissioner of the Bureau of
16 Labor Statistics, as voting, ex officio members;
17 and

18 (D) the Commissioner for Education Sta-
19 tistics and the Director , as nonvoting, ex offi-
20 cio members.

21 (2) PRESIDING OFFICER.—The Commissioner
22 shall appoint the presiding officer of the Council
23 from among the voting members of the Council.

24 (3) TERMS.—Members of the Council appointed
25 under paragraph (1)(A) shall be appointed for 3-



1 year terms, except that, in the case of initial ap-
2 pointments, the Secretary shall make appointments
3 for shorter terms to the extent necessary to avoid
4 the expiration of the terms of more than 6 members
5 in the same calendar year.

6 (4) MEETINGS.—

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

10 (i) at least 2 times during each cal-
11 endar year; and

12 (ii) in addition, whenever 10 voting
13 members request in writing that the pre-
14 siding officer call a meeting.

15 (B) QUORUM.—11 voting members of the
16 Council shall constitute a quorum.

17 (c) STAFF.—The Council shall appoint a staff of not
18 more than 6 individuals with technical expertise to enable
19 the Council to carry out its duties.

20 (d) DUTIES.—The Council shall—

21 (1) review and advise the Commissioner on—

22 (A) general policies for the operation and
23 activities of the Center;

24 (B) standards to ensure that statistics and
25 other information disseminated by the Center



1 are of high quality and are not subject to par-
2 tisan or political influence;

3 (C) standards for peer review of statistical
4 research;

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

7 (E) the extent to which the data collected
8 and reported by the Center respond to customer
9 needs;

10 (2) annually submit to the Board, the Sec-
11 retary, the President, and the appropriate congres-
12 sional committees a report on the quality and useful-
13 ness of data collected and reported by the Center,
14 and on any other issues requiring public attention;
15 and

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

19 **SEC. 229. CONFIDENTIALITY.**

20 (a) CONFIDENTIALITY STANDARDS.—

21 (1) IN GENERAL.—The Center shall develop
22 and enforce standards designed to protect the con-
23 fidentiality of persons in the collection, reporting,
24 and publication of data under this chapter. This sec-
25 tion shall not be construed to protect the confiden-



1 tiality of information about institutions, organiza-
2 tions, and agencies that receive grants from, or have
3 contracts or cooperative agreements with, the Fed-
4 eral Government.

5 (2) PROHIBITION.—No person may—

6 (A) use any individually identifiable infor-
7 mation furnished under this chapter for any
8 purpose other than a statistical purpose;

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

12 (C) permit anyone other than the individ-
13 uals authorized by the Commissioner to exam-
14 ine the individual reports.

15 (b) ADMINISTRATION.—

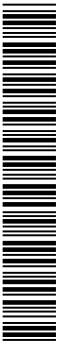
16 (1) IN GENERAL.—No department, bureau,
17 agency, officer, or employee of the Federal Govern-
18 ment, except the Commissioner in carrying out the
19 purposes of this chapter, shall require, for any rea-
20 son, copies of reports that have been filed under this
21 chapter with the Center or retained by any indi-
22 vidual respondent. Copies of such reports that have
23 been so filed or retained with the Center or any of
24 the Center's employees, contractors, or agents shall
25 be immune from legal process, and shall not, without



1 the consent of the individual concerned, be admitted
2 as evidence or used for any purpose in any action,
3 suit, or other judicial or administrative proceeding.
4 This paragraph shall apply only to individually iden-
5 tifiable information.

6 (2) EMPLOYEE OR STAFF VIOLATIONS.—Who-
7 ever, being or having been an employee or staff
8 member of the Center, having taken or subscribed
9 the oath of office, or having sworn to observe the
10 limitations imposed by subsection (a)(2) of this sec-
11 tion, knowingly publishes or communicates any indi-
12 vidually identifiable information, the disclosure of
13 which is prohibited by subsection (a)(2), and that
14 comes into the possession of the employee or staff
15 member by reason of employment (or otherwise pro-
16 viding services) under this chapter, shall be found
17 guilty of a class E felony and imprisoned for not
18 more than 5 years, or fined as specified in section
19 3571 of title 18, United States Code, or both.

20 (3) TEMPORARY STAFF.—The Commissioner
21 may utilize temporary staff, including employees of
22 Federal, State, or local agencies or instrumentalities
23 (including local educational agencies), and employees
24 of private organizations to assist the Center in per-
25 forming the Center's responsibilities, but only if such



1 temporary staff are sworn to observe the limitations
2 imposed by this section.

3 (4) INFORMATION REQUIREMENTS.—No collec-
4 tion of information or data acquisition activity un-
5 dertaken by the Center shall be subject to any re-
6 view, coordination, or approval procedure except as
7 required by the Director of the Office of Manage-
8 ment and Budget under the rules and regulations
9 established pursuant to chapter 35 of title 44,
10 United States Code, except such collection of infor-
11 mation or data acquisition activity may be subject to
12 review or coordination if the Commissioner deter-
13 mines that such review or coordination is beneficial.

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

16 (A) the term “individually identifiable in-
17 formation” means any record, response form,
18 completed survey, or aggregation thereof from
19 which information about particular individuals
20 may be revealed; and

21 (B) the term “report” means a response
22 provided by or about an individual to an inquiry
23 from the Center and does not include a statis-
24 tical aggregation from which individually identi-
25 fiable information cannot be revealed.



1 (6) VIOLATIONS.—Any person who uses any
2 data provided by the Center, in conjunction with any
3 other information or technique, to identify any indi-
4 vidual student, teacher, administrator, or other indi-
5 vidual and who knowingly discloses, publishes, or
6 uses such data for a purpose other than a statistical
7 purpose, or who otherwise violates subparagraph (A)
8 or (B) of subsection (a)(2) of this section, shall be
9 found guilty of a and imprisoned for not more than
10 5 years, or fined as specified in section 3571 of title
11 18, United States Code, or both.

12 (7) ACCESS TO REPORTS OR RECORDS.—Noth-
13 ing in this section shall restrict the right of the Di-
14 rector, the Comptroller General of the United
15 States, the Director of the Congressional Budget Of-
16 fice, and the Librarian of Congress, to gain access
17 to any reports or other records, including informa-
18 tion identifying individuals, in the Center's posses-
19 sion, except that the same restrictions on disclosure
20 that apply under paragraphs (1) and (6) shall apply
21 to such individuals.

22 **SEC. 230. DISSEMINATION.**

23 (a) GENERAL REQUESTS.—

24 (1) IN GENERAL.—The Center may furnish
25 transcripts or copies of tables and other statistical

1 records and make special statistical compilations and
2 surveys for State and local officials, public and pri-
3 vate organizations, and individuals.

4 (2) COMPILATIONS.—The Center shall provide
5 State and local educational agencies opportunities to
6 suggest the development of particular compilations
7 of statistics, surveys, and analyses that would assist
8 those educational agencies.

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

12 (c) JOINT STATISTICAL PROJECTS.—The Commis-
13 sioner may engage in joint statistical projects related to
14 the purposes of this chapter, or other statistical purposes
15 authorized by law, with nonprofit organizations or agen-
16 cies, and the cost of such projects shall be shared equi-
17 tably, as determined by the Commissioner.

18 (d) FEES.—

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

24 (2) FUNDS RECEIVED.—All funds received in
25 payment for work or services described in this sub-



1 section may be used to pay directly the costs of such
2 work or services, to repay appropriations that ini-
3 tially bore all or part of such costs, or to refund ex-
4 cess sums when necessary.

5 (e) ACCESS.—

6 (1) OTHER AGENCIES.—The Center shall, con-
7 sistent with section 229, cooperate with other Fed-
8 eral agencies having a need for educational data in
9 providing access to educational data received by the
10 Center.

11 (2) INTERESTED PARTIES.—The Center shall,
12 in accordance with such terms and conditions as the
13 Commissioner may prescribe, provide all interested
14 parties, including public and private agencies, par-
15 ents, and other individuals, direct access, in the
16 most appropriate form (including, where possible,
17 electronically), to data collected by the Center for
18 the purposes of research and acquiring statistical in-
19 formation.

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

21 (a) ESTABLISHMENT.—The Commissioner may es-
22 tablish 1 or more national cooperative education statistics
23 systems for the purpose of producing and maintaining,
24 with the cooperation of the States, comparable and uni-
25 form information and data on early childhood education,

1 elementary and secondary education, adult education, and
2 libraries, that are useful for policymaking at the Federal,
3 State, and local levels. In carrying out this section, the
4 Commissioner may provide technical assistance, make
5 grants, and enter into contracts and cooperative agree-
6 ments.

7 (b) POSTSECONDARY GROUPS.—

8 (1) ESTABLISHMENT.—The Commissioner may
9 establish 1 or more groups composed of individuals
10 representing postsecondary education agencies and
11 all sectors of postsecondary education institutions to
12 provide advice and recommendations for producing
13 postsecondary education data that are useful for pol-
14 icymakers, including Congress, at the Federal, State,
15 and local levels. Such groups shall include both pro-
16 viders and users of postsecondary education data,
17 and shall make recommendations for the use of ap-
18 propriate technologies in collection and dissemina-
19 tion of data, and advise on how data collection re-
20 quirements can be made more efficient and cost-ef-
21 fective for institutions.

22 (2) ADMINISTRATION.—In carrying out this
23 section, the Commissioner may provide technical as-
24 sistance, make grants, and enter into contracts and
25 cooperative agreements.

1 **Subtitle B—National Assessment**
2 **Governing Board and National**
3 **Assessment of Educational**
4 **Progress**

5 **CHAPTER 1—NATIONAL ASSESSMENT**
6 **GOVERNING BOARD**

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

8 (a) ESTABLISHMENT.—There is established within
9 the Academy the National Assessment Governing Board
10 which shall formulate policy and carry out the National
11 Assessment of Educational Progress described in section
12 252.

13 (b) MEMBERSHIP.—

14 (1) EXISTING MEMBERS.—Except as provided
15 under subsection (c)(1)(B), individuals serving on
16 the National Assessment Governing Board on the
17 day before the date of the enactment of this Act
18 shall continue to serve in such capacity until the ex-
19 piration of their term of appointment as such term
20 was determined pursuant to section 412 of the Im-
21 proving America’s Schools Act of 1994.

22 (2) APPOINTMENT AND COMPOSITION.—Upon
23 the expiration of an existing member’s term on the
24 National Assessment Governing Board and in ac-



1 cordance with subsection (d), the Secretary shall ap-
2 point members to such Board to be composed of—

3 (A) 2 Governors, or former Governors, who
4 shall not be members of the same political
5 party;

6 (B) 2 State legislators, who shall not be
7 members of the same political party;

8 (C) 2 chief State school officers;

9 (D) 2 members of a State board of edu-
10 cation;

11 (E) 1 superintendent of a local educational
12 agency;

13 (F) 1 member of a local board of edu-
14 cation;

15 (G) 3 classroom teachers representing the
16 grade levels at which the National Assessment
17 of Educational Progress is conducted;

18 (H) 1 representative of business or indus-
19 try;

20 (I) 2 curriculum specialists;

21 (J) 3 testing and measurement experts,
22 who shall have training and experience in the
23 field of testing and measurement;

24 (K) 1 nonpublic school administrator or
25 policymaker;



1 (L) 2 school principals, of whom 1 shall be
2 an elementary school principal and 1 shall be a
3 secondary school principal; and

4 (M) 4 additional members who are rep-
5 resentatives of the general public, including par-
6 ents.

7 (3) EX OFFICIO MEMBERS.—The Commissioner
8 of Education Statistics and the Director shall serve
9 as ex officio, nonvoting members of the Board.

10 (4) SPECIAL RULE.—The Secretary shall ensure
11 at all times that the membership of the Board re-
12 flects regional, racial, gender, and cultural balance
13 and diversity. The Board shall exercise its inde-
14 pendent judgment, free from inappropriate influ-
15 ences and special interests.

16 (c) TERMS.—

17 (1) IN GENERAL.—

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

21 (B) TRANSITION RULE.—Notwithstanding
22 paragraph (2), subparagraph (A) of this para-
23 graph shall take effect on the date of the enact-
24 ment of this Act, except that members of the
25 Board who were appointed and granted a 3-



1 year term of service by the Secretary of Edu-
2 cation before such date, and who are members
3 on such date, shall be granted a 1-year exten-
4 sion of such term.

5 (2) SERVICE LIMITATION.—Except for a 1-year
6 extension provided in paragraph (1)(B), members of
7 the Board may serve not more than 2 consecutive
8 terms.

9 (3) CHANGE OF STATUS.—A member of the
10 Board who changes status under subsection (b) of
11 this section during the term of the appointment of
12 the member may continue to serve as a member
13 until the expiration of such term.

14 (d) VACANCIES.—

15 (1) IN GENERAL.—

16 (A) The Secretary shall appoint new mem-
17 bers to fill vacancies on the Board from among
18 individuals who are nominated by organizations
19 representing the type of individuals described in
20 subsection (b)(1) with respect to which the va-
21 cancy exists.

22 (B) Each organization submitting nomina-
23 tions to the Secretary with respect to a par-
24 ticular vacancy shall nominate for such vacancy



1 6 individuals who are qualified by experience or
2 training to fill the particular Board vacancy.

3 (2) ADDITIONAL NOMINATIONS.—The Secretary
4 may request that each organization described in
5 paragraph (1)(A) submit additional nominations if
6 the Secretary determines that none of the individ-
7 uals nominated by such organization have appro-
8 priate knowledge or expertise.

9 (e) AUTHORITY.—

10 (1) IN GENERAL.—In carrying out its respon-
11 sibilities to formulate policy and carry out the Na-
12 tional Assessment of Educational Progress, the
13 Board shall have authority to—

14 (A) publish notices in the Federal Register
15 and the Commerce Business Daily;

16 (B) review and approve for publication or
17 public dissemination articles, reports, bro-
18 chures, speeches, books, and other documents;

19 (C) make, enter into, and perform con-
20 tracts, leases, or other similar transactions in
21 furtherance of the functions and responsibilities
22 of the Board;

23 (D) obligate funds allocated and allotted to
24 the National Assessment Governing Board;



1 (E) perform personnel functions necessary
2 to appoint and fix compensation of officers and
3 employees and to appoint excepted service per-
4 sonnel and to obtain the services of experts and
5 consultants;

6 (F) make determinations regarding con-
7 flicts of interest; and

8 (G) solicit, accept, hold, administer, and
9 utilize gifts, bequests, and devises of money,
10 property, both real and personal, or uncondi-
11 tional gifts of services.

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

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

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

19 (C) develop assessment objectives and test
20 specifications through a national consensus ap-
21 proach which includes the active participation
22 of teachers, curriculum specialists, State boards
23 of education, local school boards, local school
24 administrators, parents, and concerned mem-
25 bers of the public;



1 (D) design the methodology of the assess-
2 ment, in consultation with appropriate technical
3 experts;

4 (E) develop guidelines for reporting and
5 disseminating results;

6 (F) develop standards and procedures for
7 interstate, regional, and national comparisons;
8 and

9 (G) take appropriate actions needed to im-
10 prove the form and use of the National Assess-
11 ment of Educational Progress.

12 (3) DELEGATION.—The Board may delegate
13 any of the Board’s procedural and administrative
14 functions to its staff.

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

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

23 (6) TECHNICAL.—In carrying out the duties re-
24 quired by paragraph (2), the Board shall seek tech-



1 nical advice, as appropriate, from the Commissioner
2 of Education Statistics and other experts.

3 (7) REPORT.—Not later than 90 days after an
4 evaluation of the student performance levels under
5 section 252(f), the Board shall make a report to the
6 Director , the Secretary of Education, the Com-
7 mittee on Education and the Workforce of the
8 House of Representatives, and the Committee on
9 Health, Education, Labor, and Pensions of the Sen-
10 ate describing the steps the Board is taking to re-
11 spond to each of the recommendations contained in
12 such evaluation.

13 (f) PERSONNEL.—

14 (1) IN GENERAL.—In the exercise of its respon-
15 sibilities, the Board shall be independent of the Sec-
16 retary and the other offices and officers of the De-
17 partment.

18 (2) STAFF.—

19 (A) The Board may appoint such staff as
20 will enable the Board to carry out its respon-
21 sibilities.

22 (B) Such appointments may include, for
23 terms not to exceed 3 years and without regard
24 to the provisions of title 5, United States Code,
25 governing appointments in the competitive serv-



1 ice, technical employees who may be paid with-
2 out regard to the provisions of chapter 51 and
3 subchapter III of chapter 53 of such title relat-
4 ing to classification and General Schedule pay
5 rates.

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

9 **SEC. 252. NATIONAL ASSESSMENT OF EDUCATIONAL**
10 **PROGRESS.**

11 (a) ESTABLISHMENT.—The National Assessment
12 Governing Board shall establish policy and carry out,
13 through grants, contracts, or cooperative agreements with
14 1 or more qualified entities (such as the National Center
15 for Education Statistics), a National Assessment of Edu-
16 cational Progress. The National Assessment of Edu-
17 cational Progress collectively refers to a long-term trend
18 assessment, national assessment, and State assessment.

19 (b) PURPOSE; LONG-TERM TREND ASSESSMENT,
20 NATIONAL ASSESSMENTS, AND STATE ASSESSMENTS.—
21 The purpose of the National Assessment of Educational
22 Progress is to provide a fair and accurate presentation of
23 educational achievement in reading, writing, mathematics,
24 and science, and as time and resources permit, the addi-



1 tional subjects of United States history, geography, and
2 civics.

3 (c) DUTIES.—

4 (1) IN GENERAL.—The National Assessment
5 Governing Board, in carrying out the National As-
6 sessment of Educational Progress, shall use sam-
7 pling techniques that produce data that are rep-
8 resentative on a national and regional basis, and on
9 a State basis pursuant to paragraph (2). The Board,
10 in accordance with an assessment and reporting
11 schedule developed and published by the Board,
12 shall—

13 (A) conduct a long-term trend assessment
14 for purposes of tracking long-term national
15 trends, collect and report data on a periodic
16 basis, but at least every 4 years, for students at
17 ages 9, 13, and 17 in reading, mathematics,
18 and science and in grades 4, 8, and 11 in writ-
19 ing;

20 (B) for purposes of collecting data on stu-
21 dent achievement based on frameworks devel-
22 oped by the Board under section 251(e)(2),
23 conduct a national assessment each year and
24 State assessments not less than once every 4
25 years in each subject tested as part of the Na-



1 tional Assessment of Educational Progress in
2 grades 4, 8, and 12 in public and private
3 schools;

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

6 (D) include information on special groups,
7 including, whenever feasible, information col-
8 lected, cross-tabulated, analyzed, and reported
9 by sex, race or ethnicity and socioeconomic sta-
10 tus;

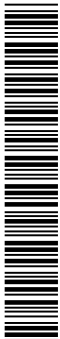
11 (E) ensure that initial assessment results
12 are reported to the public on a timely basis, but
13 in no event later than 6 months after such as-
14 sessments are administered;

15 (F) ensure that achievement data are
16 made available on a timely basis following offi-
17 cial reporting, in a manner that facilitates fur-
18 ther analysis; and

19 (G) provide assistance to interested States
20 that wish to compare their State assessments to
21 the National Assessment of Educational
22 Progress.

23 (2) STATE ASSESSMENTS.—

24 (A)(i) The National Assessment Governing
25 Board, in carrying out the National Assessment



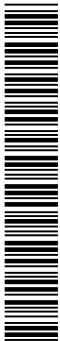
1 of Educational Progress, may conduct State as-
2 sessments of student achievement in grades 4,
3 8, and 12.

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

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

11 (ii) Such agreement shall contain informa-
12 tion sufficient to give States full information
13 about the process for consensus decision mak-
14 ing on objectives to be tested, and the stand-
15 ards for sampling, test administration, test se-
16 curity, data collection, validation, and reporting.

17 (C) A participating State shall review and
18 give permission for the release of results from
19 any test of its students administered as a part
20 of a State assessment prior to the release of
21 such data. Refusal by a State to release its data
22 shall not restrict the release of data from other
23 States that have approved the release of such
24 data.



1 (3) PROHIBITED DATA.—In carrying out the
2 National Assessment of Educational Progress, the
3 National Assessment Governing Board shall not col-
4 lect any data that are not directly related to the ap-
5 praisal of educational performance, achievement, and
6 traditional demographic reporting variables, or to
7 the fair and accurate presentation of such informa-
8 tion.

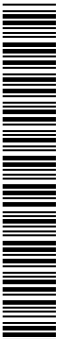
9 (4) TECHNICAL ASSISTANCE.—In carrying out
10 the National Assessment of Educational Progress,
11 the Board may provide technical assistance to
12 States, localities, and other parties.

13 (d) ACCESS.—

14 (1) PUBLIC ACCESS.—Except as provided in
15 paragraph (2), the public shall have access to all
16 data, questions, and test instruments of the National
17 Assessment of Educational Progress.

18 (2) PERSONALLY IDENTIFIABLE INFORMA-
19 TION.—

20 (A) The National Assessment Governing
21 Board shall ensure that all personally identifi-
22 able information about students, their edu-
23 cational performance, and their families, and
24 information with respect to individual schools,



1 remains confidential, in accordance with section
2 552a of title 5, United States Code.

3 (B) The National Assessment Governing
4 Board shall not maintain a system of records
5 containing a student's name, birth date, social
6 security number, or parent's name or names.

7 (C)(i) Notwithstanding any other provision
8 of law, the National Assessment Governing
9 Board may decline to make available to the
10 public for a period, not to exceed 10 years after
11 initial use, cognitive questions that the National
12 Assessment Governing Board intends to reuse
13 in the future.

14 (ii) Notwithstanding clause (i), the Na-
15 tional Assessment Governing Board may decline
16 to make available cognitive items for periods
17 longer than 10 years if the Board determines
18 that it is necessary to do so in order to protect
19 the integrity of long-term trend data.

20 (e) PARTICIPATION.—

21 (1) LONG-TERM TREND ASSESSMENT AND NA-
22 TIONAL ASSESSMENT.—Participation in the long-
23 term trend assessment and national assessment by
24 State and local educational agencies shall be vol-
25 untary.

1 (2) STATE AMOUNT.—Participation in assess-
2 ments made on a State basis shall be voluntary. The
3 National Assessment Governing Board shall enter
4 into an agreement with any State that desires to
5 carry out an assessment for the State under this
6 subsection. Each such agreement shall contain provi-
7 sions designed to ensure that the State—

8 (A) participates in the assessment; and

9 (B) pays from non-Federal sources the
10 non-Federal share of such participation.

11 (3) NON-FEDERAL SHARE.—

12 (A) For each fiscal year, the non-Federal
13 share, for the purpose of paragraph (2)(B),
14 shall be—

15 (i) the cost of conducting the assess-
16 ment at the school level for all public
17 schools in the State sample;

18 (ii) the cost of coordination within the
19 State; and

20 (iii) other reasonable costs specified
21 by the Board in the agreement described in
22 paragraph (2), such as the cost of ana-
23 lyzing and reporting the data.



1 (B) The non-Federal share of payments
2 under this paragraph may be in cash or in kind,
3 fairly valued.

4 (C) The agreement described in paragraph
5 (2) shall describe the manner in which the costs
6 of administering the assessment to private non-
7 profit schools included in the State sample will
8 be met.

9 (f) STUDENT PERFORMANCE LEVELS.—

10 (1) PERFORMANCE LEVELS.—The National As-
11 sessment Governing Board shall develop appropriate
12 student performance levels for each grade in each
13 subject area to be tested under the National Assess-
14 ment of Educational Progress.

15 (2) DEVELOPMENT OF LEVELS.—

16 (A) Such performance levels shall be—

17 (i) devised through a national con-
18 sensus approach, providing for active par-
19 ticipation of teachers, curriculum special-
20 ists, State boards of education, local school
21 boards, local school administrators, par-
22 ents, and concerned members of the gen-
23 eral public;

24 (ii) used on a developmental basis
25 until the Board determines, as the result



1 of an independent evaluation under sub-
2 section (g), that such levels are reasonable,
3 valid, and informative to the public; and

4 (iii) updated as appropriate.

5 (B) In using such levels on a develop-
6 mental basis, the Board shall ensure that re-
7 ports that use such levels do so in a manner
8 that makes clear the developmental status of
9 such levels.

10 (3) REPORTING.—After determining that such
11 levels are reasonable, valid, and informative to the
12 public, as the result of an evaluation under sub-
13 section (f), the Board shall use such levels or other
14 methods or indicators for reporting results of the
15 National assessment and State assessments.

16 (g) REVIEW OF NATIONAL AND STATE ASSESS-
17 MENTS.—

18 (1) IN GENERAL.—

19 (A) CONTINUING REVIEW.—The Director
20 shall provide for continuing review of the Na-
21 tional assessment, State assessments, and stu-
22 dent performance levels, by the National Center
23 for Program Evaluation or other nationally rec-
24 ognized evaluation organizations.



1 (B) CONTENT.—Such continuing review
2 shall address—

- 3 (i) whether each State assessment is
4 properly administered, produces high-quality
5 data that are valid and reliable, and
6 produces data on student achievement that
7 are not otherwise available to the State
8 (other than data comparing participating
9 States to each other and the Nation); and
10 (ii) whether developmental student
11 performance levels are reasonable, valid,
12 and informative to the public.

13 (2) REPORT.—The Board shall report to the
14 Committee on Education and the Workforce of the
15 House of Representatives and the Committee on
16 Health, Education, Labor, and Pensions of the Sen-
17 ate, the President, the Secretary, and the Nation on
18 the findings and recommendations of such reviews.

19 (3) USE OF FINDINGS AND RECOMMENDA-
20 TIONS.—The National Assessment Governing Board
21 shall consider the findings and recommendations of
22 such reviews in carrying out the National Assess-
23 ment of Educational Progress.

24 (h) COVERAGE AGREEMENTS.—



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

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

15 **SEC. 253. PROHIBITION ON FEDERALLY SPONSORED TEST-**
16 **ING.**

17 (a) GENERAL PROHIBITION.—Notwithstanding any
18 other provision of Federal law and except as provided in
19 subsection (b), no funds provided to the Department of
20 Education, the National Assessment Governing Board, the
21 Academy, or an applicable program may be used to carry
22 out any activities related to any federally sponsored na-
23 tional test in reading, mathematics, or any other subject
24 that is not specifically and explicitly provided for in au-
25 thorizing legislation enacted into law.



1 (b) EXCEPTIONS.—Subsection (a) shall not apply to
2 the Third International Mathematics and Science Study
3 or other international comparative assessments developed
4 under the authority of section 225(a)(6) and administered
5 to only a representative sample of pupils in the United
6 States and in foreign nations.

7 (c) REPEAL OF AUTHORITY.—Section 305(b) of title
8 III of the Department of Labor, Health and Human Serv-
9 ices and Education and Related Agencies Appropriations
10 Act, 1999 of the Omnibus Consolidated and Emergency
11 Supplemental Appropriations Act for 1999 (Public Law
12 105–277) relating to the authority of the National Assess-
13 ment Governing Board over the direction and all policies
14 and guidelines for developing voluntary national tests, is
15 repealed.

16 **TITLE III—MISCELLANEOUS**
17 **PROVISIONS**

18 **SEC. 301. REPEALS.**

19 (a) EDUCATIONAL RESEARCH AND IMPROVEMENT.—

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

23 (2) CONFORMING AMENDMENTS.—(A) Section
24 202(b) of the Department of Education Organiza-



1 tion Act (20 U.S.C. 3412(b)) is amended by striking
2 paragraph (3).

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

5 (i) by striking section 208; and

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

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

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

15 (c) FEDERAL EVALUATIONS, DEMONSTRATIONS, AND
16 TRANSITION PROJECTS.—

17 (1) IN GENERAL.—Section 1501 and paragraph

18 (2) of section 1502(a) of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 6491 et
20 seq.) are repealed.

21 (2) CONFORMING AMENDMENT.—Section 1002
22 of the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 6302) is amended by striking sub-
24 section (g)(1).

25 (d) NATIONAL EDUCATION STATISTICS.—



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

5 (2) CONFORMING AMENDMENTS.—(A) Section
6 5315 of title 5, United States Code, is amended by
7 striking the following:

8 “Commissioner, National Center for Education
9 Statistics.”.

10 (B) Section 447(b) of the General Education
11 Provisions Act (20 U.S.C. 1232j) is amended by
12 striking “section 404(a)(6) of the National Edu-
13 cation Statistics Act of 1994” and inserting “section
14 225(a)(6) of the Scientifically Based Education Re-
15 search, Statistics, Evaluation, and Information Act
16 of 2000”.

17 (C) Section 5307 of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C. 7267) is
19 repealed.

20 (e) IMPROVING AMERICA’S SCHOOLS ACT OF 1994.—
21 Section 412 of the Improving America’s Schools Act of
22 1994 is repealed.

23 (f) EFFECTIVE DATE OF REPEALS.—This section
24 shall take effect on September 30, 2001.



1 **SEC. 302. EFFECTIVE DATE.**

2 Except as otherwise provided in this Act, this Act and
3 the amendments made by this Act, shall take effect on
4 the date of enactment of this Act.

