

National Board for Education Sciences

5-Year Report, 2003 Through 2008

National Board for Education Sciences

5-Year Report, 2003 Through 2008

NOVEMBER 2008

Prepared by the National Board for Education Sciences

U.S. Department of Education

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Secretary

Institute of Education Sciences

Grover J. Whitehurst

Director

The Education Sciences Reform Act (ESRA) of 2002 established the National Board for Education Sciences (Board) to advise and consult with the Director of the Institute of Education Sciences (Institute). The Board is responsible for considering and approving priorities proposed by the Director to guide the work of the Institute; reviewing and approving procedures for technical and scientific peer review of the activities of the Institute; and reviewing and regularly evaluating the work of the Institute to ensure that its research, development, evaluation, and statistical analyses are consistent with the standards set out in ESRA.

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Executive Summary

In a 1999 National Research Council report, the committee wrote:

One striking fact is that the complex world of education—unlike defense, health care, or industrial production—does not rest on a strong research base. In no other field are personal experience and ideology so frequently relied on to make policy choices, and in no other field is the research base so inadequate and little used.*

Others, including members of Congress, shared the view that education research had not provided education policymakers and practitioners with the information and tools they needed to improve education in our country. When the Institute of Education Sciences (Institute) was established in November 2002, many in the education research and policy community cried *déjà vu*. As some observed, why would anyone expect the Institute to accomplish what its predecessors—the National Institute of Education and the Office of Educational Research and Improvement—had not? On the basis of its evaluation, the members of the National Board for Education Sciences (Board) conclude that in a relatively brief period of time, the Institute has made exceptional progress in improving the rigor and relevance of education research in our nation. Under the leadership of its first director, Grover J. Whitehurst, the Institute has accomplished what many believed could not be done.

The framework for the Institute’s nonideological, high-quality work was wisely established by Congress in the Education Sciences Reform Act of 2002 (ESRA). Because that Act has generated such strong results, the Board is recommending its rapid reauthorization, with a set of modest amendments meant to improve its clarity and make it even stronger. The Board recognizes that transformation of education into an evidence-based field is an enormous task. It will need to involve everyone from federal and state policymakers to local education leaders, administrators, teachers, and parents. Over the past 6 years, a new direction has been set for education research. We now need to stay on course to arrive at this destination.

This report presents the Board’s evaluation of the Institute. The Board examined the ways in which and the extent to which the Institute has been successful in advancing the rigor and improving the relevance of education research, and facilitating evidence-based decisionmaking.

Advancing the Rigor of Education Research

The Institute was established to provide rigorous evidence on which to ground education practice and policy. In its first 6 years, the Institute has made exceptional progress in improving the rigor of education research and evaluation. By design, the goal of improved rigor has driven the majority of staff activity to date, under the assumption that the threshold condition for making education an evidence-based field is producing findings that can be trusted. The Board concurs with the strategic decision to emphasize rigor. Our judgment of exceptional progress is based on the following evidence: (1) the high standards reflected in the peer review system; (2) the strong external ratings of the quality of the funded research grants; and (3) the high quality of the research designs of the evaluations contracted

* National Research Council. (1999). *Improving Student Learning: A Strategic Plan for Education Research and Its Utilization*. Committee on a Feasibility Study for a Strategic Education Research Program, Commission on Behavioral and Social Sciences in Education. Washington, DC: Author.





through the Institute's National Center for Education Evaluation and Regional Assistance (NCEE). To build the nation's capacity to conduct rigorous education research, the Institute has launched predoctoral and postdoctoral research training programs. Based on the GRE scores of the predoctoral fellows and the research productivity of the predoctoral and postdoctoral fellows, as evidenced by the numbers of research publications to date, the Institute has made substantial progress in developing a new generation of education scientists who are well-equipped to conduct high-quality research. Finally, in light of concerns that the Institute has narrowly focused its research funding on projects that use experimental methods to evaluate the effectiveness of interventions, the Board examined the Institute's funding announcements and diversity of the research grant portfolio with respect to research questions and research methods employed. The Board found that the Institute clearly requests research projects that are diverse in purpose (e.g., exploring malleable factors, developing and validating assessments) and in methodological requirements (e.g., correlational, descriptive, observational, quasi-experimental, and experimental methodologies) and has developed a diverse research portfolio in which roughly one-fourth of the projects are experimental or quasi-experimental evaluations of the impact of interventions on education outcomes.

Improving the Relevance of Education Research

No matter how technically sound research activities might be, if they do not address the issues and questions that are of concern to education policymakers and practitioners, the research will not be used to inform education policy and practice. The Institute has made substantial progress in improving the relevance and usefulness of education research, evaluation, and statistics. This is an area that has drawn increased attention from staff as the rigor of the work improved, and the Board agrees with this strategic shift. It should be continued in the future. Our judgment of substantial progress is based on the following: (1) satisfactory ratings of the relevance of funded research projects by education leaders and administrators; (2) establishment of long-term focused programs of research that address fundamental education issues in our nation (e.g., improving reading, writing, mathematics, and science achievement); (3) the work of the National Research and Development Centers in key policy areas; (4) dramatic improvements in the timeliness of the release of data from the Institute's National Center for Education Statistics (NCES); (5) high ratings of the relevance of NCES reports; and (6) increased efforts to improve the timeliness of the release of NCEE evaluation reports.

Facilitating Evidence-Based Decisionmaking

Generating rigorous and relevant research is a necessary step to the transformation of education into an evidence-based field, but the Institute cannot stop there. The Institute must disseminate the knowledge it produces in ways that enable education policymakers and practitioners to use that information. In this arena, the Institute has also made substantial progress, particularly in the last 2 years, and this area should continue to receive sustained staff attention in the future. Our finding of substantial progress is based upon the quality and use of the systems and programs the Institute has created (e.g., What Works Clearinghouse [WWC], College Navigator) or revamped (e.g., Education Resources Information Center [ERIC]) to disseminate practical information to education leaders, practitioners, parents, and students. The WWC practice guide *Organizing Instruction and Study to Improve Student Learning* has been downloaded nearly 30,000 times since its release last September; the *Turning Around Chronically Low-Performing Schools* practice guide has been downloaded nearly 20,000 times since its release in May 2008. The College Navigator was rated by *Money Magazine* as one of the best places to start a college search. Our finding was also supported by examination of the programs the Institute has established to help education leaders and decisionmakers obtain better data and become better consumers of education research, such as the Statewide Longitudinal Data Systems, the National Forum on Education Statistics, and the NCES Summer Data Conference.





Despite the Board's view that the Institute has been instrumental in improving the rigor, relevance, and accessibility of federally funded educational research, much remains to be done to institutionalize the gains made and build on them. For this reason, the full report includes recommendations from the Board regarding the details of the Institute's work and the reauthorization of the ESRA. However, the main message from our evaluation is that going forward, the Institute should maintain the direction that Congress articulated and that the Institute's leadership and staff have executed so well.





Table of Contents

	Page
Members of the National Board for Education Sciences	iii
Executive Summary	v
List of Tables	x
List of Figures	xi
Introduction	1
I. Institute of Education Sciences: Mission and Priorities	3
II. Evaluation of the Institute of Education Sciences	5
A. Advancing the Rigor of Education Research	5
B. Increasing the Relevance and Usefulness of Education Research	17
C. Facilitating Evidence-Based Decisionmaking	24
III. Overall Conclusions and Recommendations From the National Board for Education Sciences	35
A. Summary of Conclusions and Recommendations	35
B. Key Recommendations Identified in Mark-up of Education Sciences Reform Act	38
C. Resolutions of the National Board for Education Sciences	38
Appendixes	
Appendix A. Types of Projects Funded by the Institute of Education Sciences	A-1
Appendix B. National Center for Education Evaluation and Regional Assistance Impact Evaluations	B-1
Appendix C. List of Regional Educational Laboratories Randomized Controlled Trials Projects Under Current Contracts, 2006-11	C-1
Appendix D. Institutions Receiving Awards to Establish Predoctoral and Postdoctoral Research Training Programs	D-1
Appendix E. Predoctoral and Postdoctoral Research Training Programs	E-1
Appendix F. Annotated Version of the Education Sciences Reform Act With Recommendations for Changes From the National Board for Education Sciences	F-1





List of Tables

Table	Page
1. Percentage of new research and evaluation projects that are deemed to be of high quality by an independent review panel of qualified scientists	6
2. Average overall ratings of newly funded education research projects and percentage of new education research projects that receive an average score of excellent or higher from the scientific peer review panel	7
3. Average overall ratings of newly funded special education research projects and percentage of new special education research projects that receive an average score of excellent or higher from the scientific peer review panel	7
4. Percentage of education research applications that were funded out of the total number of responsive applications	9
5. Percentage of special education research applications that were funded out of the total number of responsive applications	9
6. Numbers of grants by type of project	11
7. Relevance of education research grants	19
8. Relevance of special education research grants.	19
9. Percentage of customer respondents satisfied or very satisfied with the timeliness of NCES publications.	21
10. Percentage of customer respondents satisfied or very satisfied with the timeliness of NCES data files	22
11. Percentage of NCES customer survey respondents satisfied or very satisfied with the relevance of NCES publications in 2004.	22
12. Relevance of plans for NCEE evaluation projects	24
13. Identification of interventions that have positive or potentially positive effects by the What Works Clearinghouse	26
14. Practice Guides released by the What Works Clearinghouse	27
15. Number of NCER-supported interventions producing positive effects when evaluated using designs that meet the What Works Clearinghouse criteria	28
16. Statewide Longitudinal Data Systems awards	31





Appendixes

B-1. List of NCEE Impact Evaluations.	B-1
D-1. FY 04 and FY 05 Predoctoral Research Training Programs	D-1
D-2. FY 05–FY 07 Postdoctoral Training Programs.	D-2
E-1. Number of conference presentations and publications by Institute fellows	E-1

List of Figures

Figure	Page
1. Total numbers of responsive research applications and grants for education and special education research competitions combined	8





Introduction

The Institute of Education Sciences (Institute) within the U.S. Department of Education (ED) was authorized by the Education Sciences Reform Act of 2002 (ESRA). ESRA established the National Board for Education Sciences (Board) as a board of directors for the Institute. Among other duties, the Board is responsible for providing to Congress, the Secretary of Education, and the Director of the Institute a final report that includes recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and missions. To meet this obligation, the Board has undertaken an evaluation of the Institute and formulated recommendations to improve the Institute's ability to execute its responsibilities and fulfill its mission.

The Board evaluation addressed three basic questions:

1. To what extent, and in which ways, has the Institute been successful in advancing the rigor of education research?
2. To what extent, and in which ways, has the Institute increased the relevance and usefulness of education research?
3. To what extent, and in which ways, has the Institute facilitated evidence-based decisionmaking?

This report provides a summary of the Board's evaluation of the Institute, along with recommendations in the form of a mark-up of ESRA and 10 resolutions that the Board has passed since its first meeting in February 2005. We begin with a brief overview of the Institute's mission and priorities, provide a summary and evaluation of the accomplishments of the Office of the Director and the four National Education Centers, and conclude with the Board's recommendations.





I. Institute of Education Sciences: Mission and Priorities

In a 1999 National Research Council report, the committee wrote:

One striking fact is that the complex world of education—unlike defense, health care, or industrial production—does not rest on a strong research base. In no other field are personal experience and ideology so frequently relied on to make policy choices, and in no other field is the research base so inadequate and little used.¹

Others, including members of Congress, shared the view that education research had not provided education policymakers and practitioners with the information and tools they needed to improve education in our country. It was in this context that the Institute was established to transform education research into an enterprise that provides rigorous evidence on which to ground education practice and policy. The Institute’s mission is to expand knowledge and provide information on (a) the condition of education; (b) practices that improve education outcomes; (c) the effectiveness of federal and other education programs; and (d) the educational needs of children with disabilities (as authorized in December 2004 in the Individuals with Disabilities Education Improvement Act). These responsibilities are carried out through the Institute’s four Centers: (1) National Center for Education Statistics (NCES); (2) National Center for Education Research (NCER); (3) National Center for Education Evaluation and Regional Assistance (NCEE); and (4) National Center for Special Education Research (NCSEER).

On September 6-7, 2005, the Board approved priorities for the Institute. The Institute’s overarching priority is research that contributes to improved academic achievement for all students, and particularly for those whose education prospects are hindered by inadequate education services and conditions associated with poverty, race/ethnicity, limited English proficiency, disability, and family circumstance. With academic achievement as the major priority, the Institute focuses on outcomes that differ by periods of education. In the *infancy and preschool* period, the outcomes of interest are readiness for schooling and developmental outcomes for infants and toddlers with disabilities. In *kindergarten through 12th grade*, the priorities are the core academic outcomes of reading and writing (including reading and writing in the disciplines), mathematics, and science, as well as the behaviors and social skills that support learning in school and successful transitions to employment, independent living, and postsecondary education. At the *postsecondary level*, the priority is on enrollment in and completion of programs that prepare students for successful careers and lives. The same outcomes are emphasized for students with disabilities across each of these periods, and include the functional outcomes that improve educational and transitional results. The acquisition of basic skills by adults with low levels of education is also a priority.

The long-term goals associated with the Institute’s priorities are fourfold: (a) to develop or identify a substantial number of programs, practices, policies, and approaches that enhance academic achievement and that can be widely deployed; (b) to identify what does not work, and what is problematic or inefficient, and thereby encourage innovation and further research; (c) to gain fundamental understanding of the processes that underlie variations in the effectiveness of education programs, practices, policies, and approaches; and (d) to develop delivery systems for

¹ National Research Council. (1999). *Improving Student Learning: A Strategic Plan for Education Research and Its Utilization*. Committee on a Feasibility Study for a Strategic Education Research Program, Commission on Behavioral and Social Sciences in Education. Washington, DC: Author.



the results of education research that will be routinely used by policymakers, educators, and the general public when making education decisions.

A critical impetus for the creation of the Institute was the recognition by Congress that education research needed to become more rigorous and more directed to solving the problems identified by education leaders and practitioners. Now, nearly 6 years after the Institute was created, the Board reports on its examination of the extent to which the Institute has made progress in accomplishing its mission.





II. Evaluation of the Institute of Education Sciences

A. Advancing the Rigor of Education Research

A.1. Is the Institute raising the quality of research funded or conducted by the Department?

To examine the extent to which and the ways in which the Institute has been successful in advancing the rigor of education research, the Board first considered the Institute's peer review process, the quality of research funded by the Institute through its research grants, the evaluations contracted by NCEE, and the research conducted by the Regional Educational Laboratories (RELs). Second, the Board considered the extent to which the Institute is building capacity in the field to conduct more rigorous research.

In its first 6 years of operation, the Institute has made exceptional progress in improving the rigor of education research. The primary data leading to this assessment are the ratings of the quality of research grants funded, the high standards reflected in the peer review system and the funding rates, the high quality of the research designs for NCEE-funded evaluations, and comparisons of these indicators with practices prior to the formation of the Institute. In addition, the Board considered the quality and productivity of the predoctoral and postdoctoral fellows.

A.1.a. Education and Special Education Research Projects

To improve the scientific and technical quality of the research that the Institute funded, the Institute implemented a new scientific review system for education research grants. The legislation required the Director of the Institute "to establish necessary procedures for technical and scientific peer review of the activities of the Institute" to assure that "scientifically based research standards" are applied, among other things, to the funding of grant applications. The Institute established a scientific peer review system that is similar in many ways to the process of peer review at the National Institutes of Health (NIH). A key provision in this model is the separation between the program officers and administrators within the Institute who administer grant programs and work with applicants and grantees on the one hand, and those who are responsible for the peer review of applications for funding under these grant programs, on the other hand. The Standards and Review Office was created under the Deputy Director for Science and within the Office of the Director of the Institute. That office selects peer reviewers, determines review criteria, and manages the peer review panels that evaluate scientific merit of applications. In addition to creating a separate office for managing the scientific peer review process, the Institute has established a policy for selecting strong reviewers. Potential reviewers are identified primarily on the basis of the quality of the research they have conducted and published in scientific peer-reviewed journals and the degree to which they are experts in the research methods and subject matter that are relevant to the types of projects funded by the Institute.²

The quality of research projects funded through NCER under the guidelines of the Institute's standards and procedures and the quality of evaluations supported by NCEE were compared to the quality of projects funded under the procedures and standards used by its predecessor, the Office of Educational Research and Improvement (OERI). Eminent senior scientists (e.g., distinguished professors in their institutions, editors of premier research journals, and

² Standards and Review Office, Peer Review of Grant Applications. Retrieved July 18, 2008, from http://ies.ed.gov/director/sro/peer_review/application_review.asp.





leading researchers in education) participated in this review, rating the quality of each project on a 9-point Likert-type scale in which 1 represents “very poor quality” and 9 represents “very high quality.” As can be seen in table 1 below, there was a marked improvement in the percentage of projects that were rated as being of high quality, from the previous OERI standards to the current Institute standards.

Table 1

Percentage of new research and evaluation projects that are deemed to be of high quality by an independent review panel of qualified scientists

Year	Percent
2001 (OERI)	36
2002 (IES)	50
2003 (IES)	70
2004 (IES)	70 ¹

¹ In 2004, the scores of one review were extreme outliers—greater than 3.8 standard deviations below the average ratings of the other reviewers. If these scores were included, the percentage of new projects deemed to be of high quality would be 60 percent.

NOTE: IES projects reported in table 1 include grants funded through NCER and evaluations contracted through NCEE.

SOURCE: IES Standards and Review Office.

After the scientific review procedures were deemed to be stable and capable of identifying high-quality proposals, the Institute eliminated the practice of sending newly funded proposals to a separate panel of scientists for a second (essentially quality-control) review. However, the Institute has tracked the overall ratings assigned by the scientific peer review panels to newly funded applications. Table 2 on the following page reports the average overall ratings of newly funded education research applications from 2003 to 2008;³ average ratings for all years are in the excellent range (1.5 to 2.0). In 2006, NCSER was established as the fourth center within the Institute. Table 3 on the next page reports the average overall ratings of newly funded special education research applications from 2006 to 2008; average ratings for all years are in the excellent range.

³ Overall ratings from 2002 are not included because the Institute changed the rating scale between 2002 and 2003.





Table 2

Average overall ratings of newly funded education research projects and percentage of new education research projects that receive an average score of excellent or higher from the scientific peer review panel

Year	Average rating*	“Excellent” or “Outstanding” rating** (Percent)
2003	1.71	88
2004	1.63	97
2005	1.65	100
2006	1.78	94
2007	1.83	88
2008	1.83	91

*Rating scale: 1.0 to 1.4 = “Outstanding”; 1.5 to 2.0 = “Excellent”; 2.1 to 2.5 = “Very good”

**Percentage of new research projects that receive an average score of excellent or higher from the scientific peer review panel.

NOTE: Includes all grants from regular education research competitions, including research centers.

SOURCE: IES Grants Administration Office documents.

Table 3

Average overall ratings of newly funded special education research projects and percentage of new special education research projects that receive an average score of excellent or higher from the scientific peer review panel

Year	Average rating*	“Excellent” or “Outstanding” rating** (Percent)
2006	1.73	93
2007	1.69	100
2008	1.82	85

*Rating scale: 1.0 to 1.4 = “Outstanding”; 1.5 to 2.0 = “Excellent”; 2.1 to 2.5 = “Very good”

**Percentage of new research projects that receive an average score of excellent or higher from the scientific peer review panel.

NOTE: Includes all grants from regular special education research competitions, includes research centers.

SOURCE: IES Grants Administration Office documents.



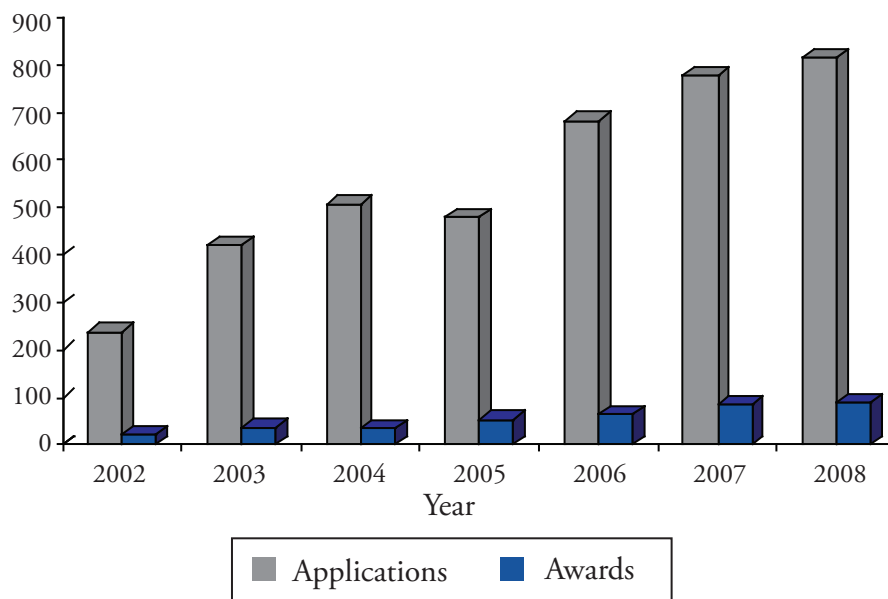


The Institute set a target of having 90 percent of the funded education research applications be rated as outstanding or excellent in technical merit. In setting a target of 90 percent, the Institute has elected to fund some proposals that scored slightly below excellent to fund proposals that address gaps in the research portfolio and for which the deficiencies in the proposals noted by the review panel were problems that could be remedied prior to conducting the research. For education research grants, with the exception of 2003 and 2007, the Institute has met this target. For special education research grants, the Institute met this target for 2 of 3 years. Given that the average overall ratings of newly funded education research and special education research grants have been in the excellent range for all years for both sets of grants, the Board is not concerned that the Institute was slightly under the 90 percent target three times. In the Board's view, funding proposals with minor and easily fixed problems (as opposed to having researchers revise and resubmit proposals in the following year) enables the field to more quickly address important education problems.

Beginning in 2002 with three research programs, the Institute has expanded its portfolio of research programs over the past 6 years. Notably, in 2006, the Institute held the first competitions for its special education research programs. Over this period, the Institute has substantially increased the number of responsive applications that it receives (i.e., the number of applications deemed meeting the requirements of the grant announcement). Figure 1 shows the increase in the total numbers of responsive applications across the education and special education research programs, as well as the numbers of grants awarded in the programs.

Figure 1

Total numbers of responsive research applications and grants for education and special education research competitions combined



NOTE: Numbers reflect NCER and NCSER applications to and grants through regular education and special education research programs and Research and Development center competitions, but exclude applications to research training programs and unsolicited applications.
SOURCE: IES Grants Administration Office documents.





Across years, the Institute has been consistent in maintaining high standards for funding only proposals to conduct rigorous research. From fiscal year (FY) 2002 to FY 08, the Institute’s education research funding rate (i.e., number of funded applications divided by the total number of responsive applications) has ranged from 7 percent to 12 percent (see table 4). From FY 06 to FY 08, the special education research funding rate has ranged from 9 percent to 13 percent (see table 5). Tables 4 and 5 also show the numbers of responsive applications and numbers of funded applications for each year. The numbers of responsive special education research applications and funded applications have fluctuated over the first 3 years of special education research competitions (table 5). The Board believes that with the establishment of long-term programs of research in special education that have annual competitions, the Institute will be able to grow its special education research programs. Although the funding rate of the education research program has been relatively stable, the increase in responsive applications has led to a notable increase in the number of funded applications. In 2008, the Institute funded more than three times the number of education research applications that it funded in 2002 while receiving about two and one-half times times the number of responsive applications (see table 4).

Table 4

Percentage of education research applications that were funded out of the total number of responsive applications

Year	Number of responsive applications	Number of funded applications	Funding rate (Percent)
2002	239	21	9
2003	421	36	9
2004	507	36	7
2005	479	54	11
2006	442	37	8
2007	484	48	10
2008	604	70	12

NOTE: Percentages reflect the total number of NCER-funded applications for the education research competitions (including competitions for regular research programs and research and development centers, but excludes training grants and unsolicited grants) divided by the total number of responsive applications received for those competitions.
SOURCE: IES Grants Administration Office documents.

Table 5

Percentage of special education research applications that were funded out of the total number of responsive applications

Year	Number of responsive applications	Number of funded applications	Funding rate (Percent)
2006	240	27	11
2007	294	38	13
2008	211	20	9

NOTE: Percentages reflect the total number of funded applications for the special education research competitions (including competitions for regular research programs and research and development centers, but excludes training grants and unsolicited grants) divided by the total number of responsive applications received for those competitions.
SOURCE: IES Grants Administration Office documents.





The Institute has made great strides in increasing interest in scientifically based research and in developing a strong education research portfolio. At the same time, the Board notes that the funding rate varies greatly by research program—the highest rates have been in the Cognition and Student Learning research program with an average funding rate over the last 2 years of 25 percent. The Cognition and Student Learning research program has attracted a number of well-trained and prominent researchers who have previously been funded through the National Science Foundation (NSF) and NIH.

The Institute has also implemented a number of strategies to expand the involvement of qualified researchers in other areas. The capacity-building efforts include (a) actively recruiting strong researchers, with a history of funding through NSF or NIH, who have not previously sought funding from ED to apply to its programs; (b) providing technical assistance to applicants; (c) providing research training workshops to improve capacity of education researchers; and (d) without compromising the rigor of its research, being willing to fund proposals that have fixable, minor flaws. The Board believes that these efforts are important and should be continued.

In light of concerns that the Institute has narrowly focused its research funding on projects that utilize randomized controlled trials (RCTs) to evaluate the effectiveness of interventions, the Board considered it important to examine the diversity of funded education and special education research projects and of the methodologies that are used to answer the research questions addressed in those projects. In FY 04, the Institute structured its research programs to reflect the types of projects that it would fund. Across the education and special education research programs, there are projects (a) to explore the relations between malleable factors (i.e., things that can be changed, such as student competencies and education practices) and education outcomes to identify potential targets of interventions; (b) to develop new education interventions; (c) to evaluate the efficacy of interventions under limited circumstances; (d) to evaluate the impact of interventions that are implemented at scale and under real world conditions; and (e) to develop and/or validate measurement instruments. (Appendix A provides a more detailed description of the types of projects.)

In its funding announcements, the Institute states that projects intended to explore or identify relations between malleable factors and education outcomes typically involve correlational analyses of survey, observational, or administrative data. Development of new interventions incorporates a variety of methodologies—descriptive, observational, interview, qualitative, quasi-experimental, and experimental methodologies. Only for efficacy and scale-up evaluations does the Institute's Request for Applications specify that randomized controlled experimental designs are preferred; in such cases, the Institute indicates that the research plans should include methodologies (e.g., observational, survey, qualitative) to examine factors that mediate and affect the relation between the intervention and its intended outcomes (i.e., studies that are often called "multiple methods studies"). The Board also noted that for efficacy and scale-up evaluations, the Institute indicates that it accepts evaluation designs other than random assignment studies, such as regression discontinuity designs, instrumental variables, and other well-designed quasi-experimental studies. The fifth type of project is conducting research to develop and validate measurement tools. According to the Institute's funding announcements, such projects typically utilize correlational data to assess the reliability and validity of the instrument.

In its funding announcements, the Institute clearly requests research projects that are diverse in purpose (e.g., developing interventions, exploring malleable factors) and in methodological requirements (e.g., correlational, descriptive, observational, qualitative, quasi-experimental, and experimental methodologies).





The Board examined the number of awards in each of the different research categories. As can be seen in table 6, about 26 percent of the grants funded under the education research programs and 23 percent of the grants funded under the special education research programs are evaluations of the impact of interventions (efficacy and scale-up projects) for which the Institute prefers experimental designs.

Table 6					
<i>Numbers of grants by type of project</i>					
Center	Identify/Explore	Develop	Efficacy	Scale-up	Measurement
Education 2004-08	21	123	53	6	28
Special Education 2006-08	4	49	18	1	11

NOTE: Includes grants funded through the regular education research and special education research competitions. (Counts do not include grants awarded under competitions for which the Institute’s research goal structure did not apply (e.g., all grants awarded prior to 2004, all research and development center awards).
SOURCE: IES Search Funded Research Grants tool.

These data indicate that there are many misconceptions in the field regarding the types of projects and methodological approaches the Institute funds through its research grant programs. The Board congratulates the Institute for developing methodologically rigorous and diverse research portfolios in its first 6 years of operation.

A.1.b. NCEE Evaluation Studies

Whereas the Institute’s research grant programs address a wide range of education research questions and utilize a broad range of methodological approaches, NCEE’s evaluation division primarily focuses on questions of what works, for whom, and under what circumstances. NCEE evaluates the impact of programs administered by ED, using methodologically rigorous designs applied to large samples of students and schools. The selection of what will be evaluated in NCEE studies is determined by Congressional requests and ED’s priorities for evaluations of its federal programs. To date, 26 large evaluations have been completed or are currently being conducted. (See appendix B for a list of studies and their design.) Twenty-two of these 26 evaluations use randomized controlled designs to test the comparison between the treatment intervention(s) and the control condition.

In contrast, consider previous evaluations contracted by ED. Robert Boruch of the University of Pennsylvania and his colleagues examined 144 contracts awarded by ED’s Office of Planning and Evaluation Service for evaluation studies during 1995-97. Fifty-one evaluations were identified as addressing the impact of federal programs, but only five of these used a randomized controlled design to measure that impact. Similarly, in their review of the 84 program evaluations and studies planned by ED for FY 2000, they found 16 evaluations that addressed the impact of federal programs, but only one involved a randomized field trial to assess the impact.⁴ The Institute should be applauded for its efforts to greatly improve the rigor of impact evaluations of ED programs.

⁴ Boruch, R., DeMoya, D., and Snyder, B. (2001). The Importance of Randomized Field Trials in Education and Related Areas. In R. Boruch and F. Mosteller (Eds.), *Evidence Matters: Randomized Trials in Education*. Washington, DC: Brookings Institution Press.





In addition to implementing impact evaluations that are appropriately designed to determine the causal influence of interventions, the Board commends the Institute for implementing a process by which knowledge garnered from initial evaluations of interventions is utilized to inform the development or improvement of interventions that are subsequently evaluated. Rigorous evaluations of federal education programs enable ED to determine which programs are improving student outcomes as well as to identify programs that need modification or improvement to achieve their desired objectives.

An important example comes from NCEE's initial and follow-up evaluations of afterschool programs. In October 2004, NCEE released its first report on an evaluation of afterschool programs.⁵ In 1999, Mathematica Policy Research, Inc., and Decision Information Resources, Inc., under contract to ED, launched two evaluation studies of the 21st Century Community Learning Centers program. In the first study, the outcomes of elementary school students who were randomly assigned to the program were compared to the outcomes of students who were not. The second study used a matched-comparison design in which middle-school students who participated in the program were compared to a group of similar students who did not. In general, there were few differences between the students who were in the intervention group and those who were not. There were few impacts of the program on academic achievement, and there was no difference between the treatment and control (elementary school) or comparison (middle school) groups in receiving homework assistance. However, access to the afterschool program resulted in elementary students in the treatment group reporting that they felt safer than elementary students in the control group. The lack of impact on academic outcomes was a disappointing, but not uncommon, result for scientific studies. These findings, nonetheless, provided critical information for improving the design of afterschool programs. Across the programs, researchers noted that academic support was primarily limited to time for students to work on homework; relatively few sessions provided additional instruction (e.g., assistance with homework, math instruction).

Based on these findings, the Institute supported the development and evaluation of a math curriculum and a reading curriculum that were designed to be used in afterschool programs with elementary school children who are behind grade level.⁶ Would participation in afterschool programs that are specifically designed to increase academic instruction improve academic outcomes? For the evaluation, students were randomly assigned to receive the enhanced afterschool program or the regularly available program. In June 2008, the Institute reported the first-year findings of the evaluation. Relative to students in the regular afterschool program group, students in the enhanced math program received 30 percent more hours of math instruction over the school year and attained 8.5 percent more growth over the school year as measured by the SAT 10 total math score. For the reading program, however, there were no significant impacts on the SAT 10 reading tests (total and subtests). The evaluation is ongoing, with a second year of program implementation and data collection to determine whether there may be a cumulative effect of the enhanced afterschool program on continuing students and to assess the impact of a more mature program on new students.

The combination of these two evaluations (the initial one with null findings and the most recent one) demonstrates how important rigorous impact evaluations are to the improvement of existing programs. The Board commends the Institute for initiating a process that uses the findings of an evaluation to feed into the modification of existing programs in order to improve outcomes.

⁵ Dynarski, M., James-Burdumy, S., Moore, M., Rosenberg, L., Deke, J., and Mansfield, W. (2004). *When Schools Stay Open Late: The National Evaluation of the 21st Century Community Learning Centers Program: New Findings*. National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Washington, DC.

⁶ Participants in the study were limited to students in grades 2 through 5 who (a) were behind grade level, but no more than 2 years behind grade level; (b) did not have severe learning disabilities or behavioral problems; and (c) were able to receive instruction in English. Source: Black, A.R., Doolittle, F., Zhu, P., Unterman, R., and Grossman, J.B. (2008). *The Evaluation of Enhanced Academic Instruction in Afterschool Programs: Findings After the First Year of Implementation* (NCEE 2008-4021). National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Washington, DC.





This past year, the Institute initiated an overall review of its evaluation program, bringing in three eminent researchers with decades of experience conducting rigorous evaluations of education and social interventions to review the evaluation projects contracted through NCEE. The Board is impressed that the Institute is taking the initiative to improve its evaluation program. The Board commends the Institute for the progress it has made thus far and looks forward to continued advances based on this external review.

A.1.c. Regional Educational Laboratories

Congress created the REL program in 1965 to “conduct long-term activities to address national educational problems.” Various reports on the RELs criticized the overall quality of the research activities they conducted, leading to a significant shift under ESRA. The Institute was required to overhaul the REL program and bring it up to the Institute’s standards for rigorous and relevant research. NCEE undertook this task when the 10 new contracts for RELs were awarded in 2006. The emphasis on having the RELs provide scientifically valid information resulted in a number of significant changes to the program. The RELs are now responsible for providing technical assistance to policymakers and practitioners in interpreting the meaning of and applying scientifically based research findings, conducting research to quickly respond to needs expressed by educators and policymakers in their region, and conducting rigorous education research and evaluation. Most significantly, ESRA required that a peer review process be established to ensure that all REL research and evaluation projects and products meet the Institute’s standards for rigorous research.⁷

The role of the RELs was thus redefined to require that they operate as intermediaries between the world of research and the world of practitioners. Rather than focusing on professional development, the RELs would provide technical assistance through applied research and development projects on issues of importance within the regions. For example, the RELs are currently conducting 25 large-scale RCTs. (See appendix C for a list.) The questions selected for these studies relate to high-priority issues in the region; many studies are testing a state initiative (program or intervention) to determine whether it is producing the desired impact. For example, REL Southeast is evaluating the Alabama Math, Science, and Technology Initiative developed by the Alabama State Department of Education to improve the quality of mathematics and science instruction. The evaluation will determine whether the program increases student achievement in math, science, and reading and enhances teacher instructional practices. In response to California and other western states making high school economics coursetaking a graduation requirement, REL West implemented an evaluation of Problem-Based Economics, a high school curriculum designed to increase class participation and content knowledge, especially for low-achieving students.

Another change for the REL program is the provision of technical assistance through fast-response projects. These projects are on current education issues of importance at local, state, and regional levels, and are identified through the RELs’ outreach efforts and requests for assistance from state and local educators and policymakers. Fast-response projects result in peer-reviewed reports that are available through two online series—*Issues & Answers* and *REL Technical Briefs*. By September 2008, the Institute had released 61 of these typically descriptive reports, such as a report for Utah on the implementation of its K through 3 program, and a report that summarized state standards for high schools in the Central Region states.

All REL reports and activities can be accessed online at <http://ies.ed.gov/ncee/edlabs/>, the central website. RELs are expected to broadly disseminate these reports and other materials that demonstrate the hallmarks of trustworthy evidence, and help practitioners recognize and distill conclusions from high-quality evidence.

⁷ The standards for the scientific peer review process are posted on the Institute’s website, as are REL reports that meet the Institute’s standards and pass peer review (<http://ies.ed.gov/ncee/edlabs/>).





The Board is pleased with the Institute's progress in establishing processes to improve the quality of the research conducted through the REL program. Given the changes in the focus of REL activities, however, the Board is interested in state and district perspectives on such changes. Would states and districts, for example, find it more useful for the RELs to put greater emphasis on conducting rigorous fast-response studies and less emphasis on randomized trials, or are the RCTs a welcomed innovation? The Board wonders if the RELs would better serve their regions if they were primarily generators of locally relevant knowledge. As more states establish statewide longitudinal databases, the Institute might consider expanding the number of REL projects that carry out policy-relevant research using databases from states and districts in their regions, similar to the type of research conducted by the Consortium on Chicago School Research. Such research would be more evaluative in nature than the typical fast-response projects that the RELs currently conduct and be intended to inform policy revision or modification. For example, these projects could incorporate quasi-experimental designs (e.g., comparative interrupted time series) using primarily administrative data and, although correlational in nature, would go beyond simple counts of those states that are doing X and Y or case studies of programs operated in a region. As the RELs move toward completing their 5-year contracts, the Board recommends that the Institute conduct an evaluation of the RELs, including feedback from state and local education policymakers and decisionmakers on the REL activities and reports.

A.2. Is the Institute increasing the number of scientists from a variety of disciplines who have entered the field of education research and are actively involved in conducting high-quality scientific research in education? Is the Institute improving the nation's capacity to conduct rigorous education research by advancing the methodological and statistical knowledge and tools available to education scientists?

To determine the extent to which the Institute is building capacity in the field to conduct more rigorous research, the Board examined the Institute's predoctoral and postdoctoral research training programs and its research training workshops. Information about these programs is provided below. Based on its review of these programs, the Board concludes that over the past 6 years the Institute has succeeded in producing new education scientists with the expertise and skills to conduct rigorous education research and enhance the knowledge and skills of current researchers to conduct rigorous studies.

A.2.a. Predoctoral and Postdoctoral Research Training Programs

The Institute initiated its predoctoral and postdoctoral research training programs in the education sciences to increase the supply of scientists who are prepared to conduct rigorous education research, including developing new interventions, carrying out rigorous evaluations of education programs and policies, and designing and validating assessments and measurement tools. In FY 04 and FY 05, initial competitions were held for the predoctoral research training programs; 10 institutions received awards to establish interdisciplinary programs in the education sciences. (See appendix D for a list of institutions.)

From 2004 through 2008, 233 predoctoral fellows have been or are being trained. The quality of the students recruited into these training programs has been high. The average GRE scores among the 233 predoctoral fellows are Verbal 626 and Quantitative 704.⁸ For comparison purposes, the mean GRE scores for all students nationally who

⁸ All information on predoctoral and postdoctoral research training programs from: *IES/NCER 2004-2008 Research Training Programs in the Education Sciences Report*.





were tested between July 1, 2003, and June 30, 2006, for students intending graduate studies in the social sciences, were Verbal 487 and Quantitative 563, and for students intending graduate studies in education, Verbal 449 and Quantitative 533.⁹ According to *U.S. News & World Report*,¹⁰ the average GRE scores for incoming doctoral students to education programs that are ranked in the top 25 education graduate programs are Verbal 563 and Quantitative 642. The predoctoral fellows funded by the Institute are clearly among the best students pursuing doctoral training in education research.

As of the summer of 2008, 39 predoctoral fellows had completed their doctoral programs and obtained employment. Twenty-seven (69 percent) of the 39 completed predoctoral fellows are engaged in education research in their postfellowship employment; an additional 3 fellows (8 percent) are pursuing both education research and other types of research. Six (15 percent) are engaged in research but not education research, and 3 (8 percent) are not doing research at all in their postfellowship employment. Thus, a total of 30 (77 percent) of completed predoctoral fellows are engaged in education research. (Appendix E reports numbers of publications and refereed conference presentations for predoctoral fellows.)

In FY 05, the Institute began competitions for postdoctoral education research training programs; 13 postdoctoral research training programs were awarded between FY 05 and FY 07. The postdoctoral training programs are smaller by design than the predoctoral programs; each postdoctoral program trains up to four fellows. From fall 2005 through June 2008, 30 postdoctoral fellows have been or are being trained.

As of the summer of 2008, 12 postdoctoral fellows have obtained postfellowship positions of employment. Eight (67 percent) of the 12 completed postdoctoral fellows are engaged in education research in their postfellowship employment; an additional 2 (17 percent) are pursuing both education research and other types of research. Two (17 percent) completed postdoctoral fellows are engaged in research but not education research. Thus, a total of 10 (84 percent) of completed postdoctoral fellows have begun careers in education research. (Appendix E reports numbers of publications and refereed conference presentations for postdoctoral fellows.)

The Board finds the Institute's predoctoral and postdoctoral research programs to be highly successful at training a new generation of education researchers. In less than 4 years, these programs have launched 40 new and well-trained education researchers.¹¹ The Board is particularly pleased to report that one postdoctoral fellow who begins as an assistant professor in the fall of 2008 has already received funding from the Institute to carry out an early childhood research project. The Board recommends that the Institute continue to invest in predoctoral and postdoctoral research training.

A.2.b. Research Training Workshops

In addition to supporting the preparation of new education scientists, the Institute has conducted a number of research training workshops. In the summers of 2007 and 2008, the Institute held a 2-week intensive research training

⁹ GRE Guide to the Use of Scores 2007-2008. Retrieved June 30, 2008, from <http://www.ets.org/Media/Tests/GRE/pdf/994994.pdf>.

¹⁰ U.S. News & World Report. (2008, December). *2009 Edition: U.S. News & World Report's America's Best Graduate Schools*. Washington, DC: U.S. News & World Report LP.

¹¹ The Board also examined attrition among the predoctoral fellows and found it to be low. Between fall 2004 and June 2008, 15 (6.4 percent) predoctoral fellows left their training programs without completing a Ph.D. Among the postdoctoral fellows, as of June 2008, 3 fellows (10 percent) terminated their fellowships either during or immediately following their first year.





workshop on the design, implementation, and analysis of cluster randomized trials to increase the national capacity of researchers to develop and conduct rigorous evaluations of the impact of education interventions. The instructors for these two training workshops were premier evaluation methodologists and statisticians. Thirty education researchers participated in each of the summer workshops. Because relatively little education research included experimental evaluations of interventions in the latter half of the 20th century, existing capacity to conduct rigorous evaluations of the effect of education interventions on intended outcomes is limited. These workshops are an important complement to the predoctoral and postdoctoral research training programs because they focus on improving the skills of practicing researchers. As of August 2008, of the 60 participants in the 2 summer workshops, 42 researchers are currently working on research grants or contracts supported by the Institute or have submitted grant applications to the Institute.

Through all of its special education research programs, the Institute encourages research on programs and practices for improving educational and developmental outcomes for individuals with low-incidence disabilities (e.g., visual or hearing impairments). To enhance capacity for research on low-incidence disabilities, the Institute sponsored a 2-day workshop in April 2008, to provide researchers with specialized training on using single-case methodologies that incorporate quantitative analyses. Single-case methodologies are experimental approaches for determining the effect of interventions on individuals and are used primarily with low-incidence disabilities. Thirty-nine researchers from across the country participated, including relatively new researchers to very senior people in the field. About one-third of the researchers reported having grants from the Institute. Eleven of the participants are currently or have been editors or associate editors of major research journals, and more than half are or have been on the editorial boards of major research journals. Through this workshop, the Institute has been able to reach many researchers who have influence over the field.

The Institute continues to provide workshops to enable researchers to conduct analyses of data from its surveys. In FY 08, NCES held 9 such 2- to 3-day workshops that covered 15 surveys, including, for example, the Birth and Kindergarten cohorts of the Early Childhood Longitudinal Study, the Education Longitudinal Study of 2002, the Schools and Staffing Survey, the National Assessment of Adult Literacy, and a set of international studies.¹² The workshops are intended to familiarize participants with NCES survey data. The general format is constant across workshops. Each one starts with an overview of the content and design of the featured survey, followed by an overview of technical and methodological issues associated with the use of that survey. Then, after receiving instruction on how to access and analyze the data, participants conduct their own analysis of the data. In many of the workshops, the participants are encouraged to formulate potential research questions, and assistance is provided in developing and analyzing the research question. During FY 08, a total of 196 potential data users participated in the NCES survey training workshops.

The members of the Board are impressed with the variety of efforts the Institute has launched to increase education research capacity in our nation. The Board believes that the research training programs designed to enhance the skills of existing researchers are critical for enabling the country to quickly progress toward improving the quality of education in our schools. The Board recommends that the Institute continue to invest in these research-training programs.

¹² See the IES website, Calendar of Events, at <http://ies.ed.gov/whatsnew/calendar/?tid=3&cid=2&ts=9-2007-12|m>.





A.2.c. Advancing Methodological and Statistical Tools for Education Scientists

Finally, the Institute has launched two efforts to improve the scientific tools available to education researchers. First, through its Methods Group, NCEE brings together experts in evaluation methodologies and statistics. Critical issues related to improving evaluation methods and statistical analyses are identified. NCEE supports investigations to resolve and advance methods. The reports from this group provide guidance for the design, implementation, and analysis of future evaluation projects contracted by NCEE and for researchers funded through NCER and NCSER. For example, the group examined the problem of “false discoveries,” and their discussions helped NCEE produce a guide for the field.¹³ Second, the Institute recently initiated a research program through NCER to fund research to improve education research methods and statistical analyses. The Board believes that it is critical to study and improve a wide range of methodologies that are available to education researchers (e.g., value-added methods, single-subject experimental designs). Science is only as good as its research methods. The Board is pleased that the Institute is seeking to make advances in this arena.

B. Increasing the Relevance and Usefulness of Education Research

B.1. Is the Institute increasing the relevance of the research it funds or conducts in order to meet the needs of the Institute’s customers?

In 2002, the Institute conducted a survey of education policymakers to obtain input on the issues and questions they wanted researchers to address and to gain their general impressions of education research.¹⁴ Their general sentiments on education research are reflected in the comments of one veteran superintendent:

There may be less than one percent of the existing research that’s really meaningful to teachers. Much is for researchers, for getting funding, for career advancement, or for advocacy....I don’t want theories. Teachers need strategies, practices. Give them things that can help teaching and learning, things that can help kids.

In response to input from education leaders and decisionmakers, the Institute sought to create research, statistics, and evaluation programs that are explicitly intended to serve the needs of those who are responsible for the education of students in our country. To examine the extent to which and the ways in which the Institute has been successful in increasing relevance of education research, the Board considered data on the relevance of education and special education research programs, the work of the National Research and Development Centers, the timeliness and relevance of NCES reports, and the timeliness and relevance of NCEE evaluations.

B.1.a. Relevance of the Education and Special Education Research Programs

Since its inception, the Institute has been committed to conducting research that meets the needs of the education practice community. The Institute has actively reached out to education leaders and decisionmakers through a number of venues. In 2002, the Institute conducted a survey of education policymakers, including superintendents, chief state school officers, state higher education executive officers, state legislators, governors’ education policy advisors,

¹³ Schochet, P.Z. (2008). *Technical Methods Report: Guidelines for Multiple Testing in Impact Evaluations* (NCEE 2008-4018). National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Washington, D.C. This peer-reviewed report is part of a series called Technical Methods Reports that is available online at <http://ies.ed.gov/ncee/pubs>.

¹⁴ *Institute of Education Sciences: Findings From Interviews With Education Policymakers*. (2002). Retrieved from www.eric.ed.gov, (ERIC ED4801).





congressional staff members, and education association executive directors. According to the respondents of this survey, the highest priority issues in need of further research were teacher quality, standards-based assessment and accountability, education finance-related issues, curriculum and instruction, and closing achievement gaps.

In November 2006, the Institute convened the Urban Education Research Task Force, comprised of leaders of large urban school districts, representatives from the Council of the Great City Schools, a chief state school officer, and researchers who focus on urban education. The Task Force has provided the Institute with timely input on the research needs of large urban school districts.

Input from education decisionmakers has informed the development of the Institute's education research programs. The Institute has developed a set of long-term programs of research that focus on improving education practice in those areas that relate to the Institute's priorities (e.g., Reading and Writing, Middle and High School Reform, Teacher Quality). Within each research program, the Institute encourages a broad range of applications. For example, in Mathematics and Science, applicants can propose to explore the relations between malleable factors and mathematics or science outcomes for students from kindergarten through grade 12 or to develop or evaluate (a) mathematics or science curricula or instructional approaches for students at any level from kindergarten through grade 12, (b) curricula or instructional approaches for teaching basic mathematics skills to adults through adult and vocational education programs or through developmental/bridge programs designed to help underprepared students acquire the skills to succeed in college, or (c) mathematics or science assessments to support instruction from kindergarten through high school or to support teaching basic mathematics skills to adult. The Institute's focused programs of research allow the Institute to accept a wide range of projects while providing some constraints to keep projects focused on generating solutions to the issues that are of greatest need to education leaders and practitioners.

To evaluate the relevance of the projects the Institute has funded, an external panel of experienced education leaders and practitioners evaluates a randomly selected sample of newly funded research projects for overall relevance of the proposed research to education in our country. Panel members consider the degree to which the proposed research addresses problems that are of national significance to education and have the potential to contribute to solving those problems. Relevance is rated on a 9-point Likert-type scale where 1 represents "Very low relevance" and 9 represents "Very high relevance."

Table 7 reports the average relevance ratings beginning in FY 01 with ratings for projects awarded through the last Field Initiated Studies competition held by the Institute's predecessor, OERI. As indicated in table 7, the average relevance ratings for the Institute's education research projects have been in the adequate-to-high relevance range; the rating for the last year of projects funded under OERI was adequate relevance. As shown in table 8, the special education research projects have been rated as being of high relevance.



**Table 7***Relevance of education research grants*

Fiscal year	Mean rating*	Standard deviation
2001 OERI**	5.5	1.1
2002 NCER	6.0	1.2
2003 NCER	6.5	.9
2004 NCER	6.1	.8
2005 NCER	5.9	.9
2006 NCER	6.9	.7
2007 NCER	6.5	.9

*On a rating scale of 1 to 9, 5 = “Adequate relevance”; 7 = “High relevance”

**FY 01 was the last round of research projects funded under the Field Initiated Studies research program of OERI.

SOURCE: IES Standards and Review Office.

Table 8*Relevance of special education research grants*

Fiscal year	Mean rating*	Standard deviation
2006 NCSER	6.6	.6
2007 NCSER	6.9	.8

*On a rating scale of 1 to 9, 5 = “Adequate relevance”; 7 = “High relevance”

SOURCE: IES Standards and Review Office.

The Institute has undertaken a number of strategies to improve the relevance of education research and to ensure that the work that it funds addresses the needs of education leaders and practitioners. The Board’s evaluation is that the Institute has made substantial progress in improving the relevance of federally funded education research. The Board recommends that the Institute continue to seek input from education decisionmakers on the issues for which they need answers from education researchers. The Board commends the Institute for having education leaders (e.g., district superintendents and assistant superintendents, principals, program managers, and directors of state departments of education) rate the relevance of its research grants.

B.1.b. National Research and Development Centers

Through its National Research and Development Center program, the Institute funds research to develop and test solutions to specific education problems, as well as national leadership and dissemination activities. The Institute has used the Centers to generate relevant evidence in key policy areas (e.g., teacher incentives and disincentives, teacher credentials, assessment of English language learners). The Board recognizes here some of the innovative work that has been conducted by the research and development centers and is pleased with the direction and practical focus of the research and dissemination work of the National Research and Development Centers.





One of the most productive and innovative centers is the **National Center for Analysis of Longitudinal Data in Education Research (CALDER)**. Using existing longitudinal state and district administrative databases from Florida, Missouri, New York, North Carolina, Texas, and Washington, CALDER researchers examine how state and local teacher policies on hiring, compensation, and certification, and state and local governance policies on accountability and choice, relate to student outcomes. In addition to generating new knowledge,¹⁵ CALDER has sponsored two public conferences—one on the development and use of state and district administrative databases for research purposes, the other on the use of value-added measures in education policy contexts. More than 100 policymakers, educators, and researchers attended each of these meetings.¹⁶

The **National Center on Performance Incentives (NCPI)** focuses on the concept of providing financial rewards to classroom teachers who significantly elevate students' academic achievement, as an alternative to uniform salary schedules applicable to virtually all teachers. In addition to its major project (a large randomized controlled evaluation of the effects of student achievement-related bonuses for teachers on students' mathematics achievement), NCPI conducts studies of teacher recruitment and the cost-effectiveness of various pay-for-performance strategies. More than 300 policymakers, educators, journalists, and researchers attended NCPI's first national conference in February 2008. NCPI also disseminates reports, journal publications, and links to performance-incentive projects throughout the nation on its website (<http://www.performanceincentives.org>).

The **Center for Research on Evaluation, Standards and Student Testing (CRESST)** has focused part of its efforts on assisting states in validly assessing the academic performance of English language learners. CRESST recently released three major reports on assessment of English language learners: (a) *Issues in Assessing English Language Learners: English Language Development Measures and Accommodation Uses—Literature Review (Volume I)*; (b) *Issues in Assessing English Language Learners: English Language Development Measures and Accommodation Uses—State Practice Review (Volume II)*; and (c) *English Language Proficiency Assessment in the Nation*. These papers, along with related external and internal research, are available at <http://www.cse.ucla.edu>.

B.2. To what extent is the Institute producing findings and data in a timely manner that ensures their relevance to current and/or pressing education issues?

Improving the scientific quality of education research and evaluation is a necessary step towards creating a research and evaluation enterprise that will serve the needs of education policymakers and practitioners. However, to inform education decisionmaking, the Institute must produce and release its major statistics and evaluation reports in a timely manner. The Board examined data on the timeliness and perceptions of relevance of the Institute's statistics and evaluation reports.

B.2.a. Timeliness and Relevance of NCES Reports

NCES has a responsibility to get its data into the hands of its users as quickly as possible. To speed up the dissemination of data, in 2006 NCES shifted to a new release publication format, called *First Look*. Previously,

¹⁵ In less than 2 years, CALDER has released 18 working papers, 1 research note, and 1 policy brief (available at <http://www.caldercenter.org/>). Several papers examine policies designed to improve teacher qualifications in high-poverty schools. For example, one study found that Teach For America (TFA) teachers tend to have a positive effect on high school student test scores relative to non-TFA teachers, including those who are certified in-field. Such effects exceed the impact of additional years of experience and are particularly strong in mathematics and science. This paper was recently reviewed by the WWC and was evaluated as being consistent with WWC evidence standards with reservations.

¹⁶ As an aside, the Board notes that CALDER's research program—all secondary data analyses—attests to the Institute's support of nonexperimental research.





data releases were accompanied by a more complicated publication that took more time to write and review. The streamlined *First Look* was a procedural change that wrought changes in the culture of NCES by emphasizing the importance of quick data releases. The timeliness data demonstrate the effectiveness of this change. Targets were established for decreasing the time between the end of data collection and the release of the first publication from that data collection. For FY 06, the Institute determined to issue the first release publications of NCES data within 18 months of the end of data collection; for FY 07, the target was 16 months. For the purpose of comparison, the Institute used data from its FY 05 NCES publications as baseline data.¹⁷

For the baseline data, the average time to the first release publication was 19.8 months. In FY 06, the Institute reduced the average time to the first release publication to 14.4 months. In FY 07, the average time to the first release NCES publication was 12.3 months.

Perhaps the most important statistics reports that the Institute produces are the reports of the National Assessment of Educational Progress (NAEP). Data for the reading and mathematics assessments are collected every 2 years. The Institute established a goal of releasing the initial report of NAEP results within 6 months of the completion of data collection. In 2003 (baseline year), the initial release of results was 8 months after data collection was completed. In 2005, the report was out in 6 months; in 2007, the report was out in 5.25 months.

The Institute has done a tremendous job in reducing the time to publication of its NCES reports. To accomplish such improvement in a relatively short period of time is an impressive feat for which the Institute can be proud.

The Institute also collects customer satisfaction data on a number of indices, including customer satisfaction with the timeliness of NCES publications. Data for 1997 through 2004 were collected through a random sample of more than 3,900 academic researchers, education associations, education journalists, users of NCES’s National Education Data Resource Center, and federal, state, and local policymakers. Table 9 below shows the percentage of customer respondents satisfied or very satisfied with the timeliness of NCES publications. As can be seen, in 2007 the majority (86 percent) of customers were satisfied or very satisfied with the timeliness of NCES publications.

Table 9	
<i>Percentage of customer respondents satisfied or very satisfied with the timeliness of NCES publications</i>	
Year	Actual
1997	72
1999	77
2001	74
2004	78
2006	85
2007	86

SOURCE: National Center for Education Statistics.

¹⁷ The baseline data included some data from years prior to 2005 to capture comparison data for the most recent corresponding major NCES releases.





In addition, the Institute collects customer service survey data on satisfaction with the timeliness of NCES data files. As can be seen in table 10 below, the percentage of customers surveyed who report being satisfied or very satisfied with the timeliness of NCES data files has risen over the last 10 years. The vast majority (more than 80 percent) of customers surveyed in 2006 and 2007 were satisfied or very satisfied with the timeliness of NCES data files.

Table 10

Percentage of customer respondents satisfied or very satisfied with the timeliness of NCES data files

Year	Percent
1997	52
1999	67
2001	66
2004	78
2006	86
2007	84

SOURCE: National Center for Education Statistics.

In 1997, 1999, 2001, and 2004, NCES administered a customer survey to a random sample of more than 3,900 federal, state, and local policymakers, academic researchers, education association researchers, education journalists, and known NCES users. Across these years, approximately 90 percent of respondents reported being satisfied or very satisfied with the relevance of NCES publications and services. In 2004, NCES included representatives from additional groups in its customer survey. Table 11 shows the percentage of respondents who reported being satisfied or very satisfied with the relevance of NCES publications by group. More than 90 percent of the policymakers, education administrators, and teachers were satisfied or very satisfied with the relevance of NCES publications. Only one category—media—fell below 90 percent.

Table 11

Percentage of NCES customer survey respondents satisfied or very satisfied with the relevance of NCES publications in 2004

All types	Policymakers	Administrators, supervisors, or managers	Teachers	Researchers	Reporters/ media	Other
93	93	91	98	93	76	92

SOURCE: National Center for Education Statistics, 2004 Customer Survey.

Overall, the Board is impressed with the timeliness and relevance of NCES publications. The perception of the relevance of NCES reports has historically been high and that has been maintained. The major accomplishment during the past 6 years has been the marked improvement in the timeliness of NCES reports.





B.2.b. Timeliness and Relevance of NCEE Evaluation Reports

Since 2007, the average number of weeks from submission of a report to the Standards and Review Office to approval of the report is approximately 28 weeks.¹⁸ On average, that time was divided between 13 weeks for the Standards and Review Office to obtain external reviews and to review the initial version and subsequent revisions of the report and 14 weeks for NCEE and its contractor to make revisions to the report. In addition, the number of weeks that it takes to prepare the final publication version of the report (i.e., weeks from peer review approval to release of report) is 8 weeks. For the 8 reports that had been released at the time that the Board's report was being written, the average total elapsed time¹⁹ from submission of a report to the Standards and Review Office to release of the report is 34 weeks (approximately 8.5 months) with a range of 13 weeks to 47 weeks. Five of the 8 reports were released within the 10-month goal.

At the time that the Board requested these data,²⁰ five reports had entered the peer review process but had not yet been approved. The average number of weeks that these reports have been in the review process is approximately 25 weeks with 11 weeks in the Standards and Review Office and 14 weeks in the hands of NCEE and its contractor.

The Board recognizes the challenges in producing complex and lengthy evaluation reports in a timely manner and appreciates the Institute's efforts to date to reduce this time. However, the Board believes that the average number of weeks from contractor submission of an initial draft to having a report approved and released should be reduced further.

In addition to the strategies the Institute is currently employing to reduce the time to release of reports, the Board recommends that the Standards and Review Office prepare a document that details the Institute's standards and that this document be available to all those who are preparing reports. The Board also strongly recommends that NCEE establish procedures to ensure timely receipt of reports and revisions of reports from its contractors and to ensure efficient handling of drafts while they are in the hands of NCEE staff.

To evaluate the relevance of NCEE projects, the Institute had an external panel of experienced education leaders and practitioners evaluate the relevance of the plans for NCEE evaluations that were launched in FY 04 through FY 06.²¹ The panel members were asked to rate the overall relevance of the evaluation project to education in our country. They were asked to consider the degree to which the evaluation project addresses problems that are of national significance to education and have the potential to contribute to solving those problems. Relevance is rated on a 9-point scale where 1 represents "Very low relevance" and 9 represents "Very high relevance." These ratings are similar to the ratings of the education research and special education research proposals. Table 12 reports the average relevance ratings of the NCEE evaluations and includes for the sake of comparison, the ratings for projects awarded through the last Field Initiated Studies competition held by the Institute's predecessor, OERI. As indicated in table 12, the average relevance ratings for the Institute's evaluation projects have been in the adequate-to-high relevance range; the rating for the last year of projects funded under the OERI was adequate relevance.

¹⁸ Based on data from 10 reports.

¹⁹ Total elapsed time is the number of weeks from submission of report to peer review to the release of the report. This includes weekends and holidays.

²⁰ September 5, 2008.

²¹ These relevance data are ratings of the relevance of the project plans and were obtained prior to the execution and completion of the evaluations.





Table 12

Relevance of plans for NCEE evaluation projects

Fiscal year	Mean rating*	Standard deviation
2001 OERI**	5.5	1.1
2004 NCEE	7.2	.9
2005 NCEE	6.8	.6
2006 NCEE	5.9	.7

*On a rating scale of 1 to 9, 5 = “Adequate relevance”; 7 = “High relevance”

**FY 01 was the last round of research projects funded under the Field Initiated Studies research program of OERI.

SOURCE: IES Standards and Review Office.

On average, NCEE evaluations were rated as being adequately to highly relevant projects. The Board commends the Institute for implementing evaluations that are useful for improving education in our country. The Board, however, notes that the Institute no longer collects ratings of the relevance of the plans for NCEE evaluations and, perhaps more importantly, does not at this point routinely collect data on users’ perceptions of the relevance of NCEE reports. The Board recommends that the Institute establish a regular process for obtaining relevance data on NCEE evaluation reports. One such area is helping policymakers and practitioners to critically evaluate claims regarding the implications of research studies.

C. Facilitating Evidence-Based Decisionmaking

Facilitating evidence-based decisionmaking is a multistep process. The Institute must first produce information that can be used to inform education practice. Then the Institute must widely disseminate the information in ways that allow education decisionmakers and practitioners to use the information. Finally, although the Board recognizes that responsibility for providing technical assistance to education policymakers and decisionmakers, as well as to state and local education agencies, is spread across many units within ED, the Institute bears some responsibility for providing general technical assistance through the RELs. In addition, the Board believes that the Institute has responsibility for providing technical assistance in areas for which the Institute has unique capabilities for providing expert guidance.

C.1. Is the Institute developing or identifying a substantial number of programs, practices, policies, and approaches that enhance academic achievement and that can be widely deployed? Is the Institute identifying what does not work and what is problematic or inefficient, and thereby encouraging innovation and further research?

To be successful, the Institute must produce information that can be used to inform the decisions of education decisionmakers. In a relatively short period of time, the Institute has produced scientifically based evidence about education programs, practices, policies, and approaches that can be utilized by education decisionmakers and practitioners.





C.1.a. What Works Clearinghouse/Intervention Reports

One of the chief accomplishments of the Institute is the creation of the WWC, which evaluates the evidence on the effectiveness of education programs, practices, and policies and makes its reports available through its website at <http://www.whatworks.ed.gov>. The WWC utilizes transparent, rule-based evidence standards, rating schemes, and a reporting system. Because there have been questions about the scientific validity of the WWC review process and the nature of the intervention reports, the Board commissioned an independent review of WWC procedures by a panel of experts in meta-analysis and program evaluation.²² The panel concluded that:

Overall, the panel believes that the WWC review and processes are based on scientifically appropriate methodologies for the task of judging the strength of the evidence regarding the effectiveness of the interventions identified in the topic areas, although the panel did not have time or resources to fully investigate the application of these methodologies in every review. Moreover, the panel believes that the Intervention and Topic Area Reports provide succinct and meaningful summaries of the evidence on effectiveness of specific interventions.²³

The panel supported these summary statements with an impressive attention to the details and made recommendations about various areas where improvements are possible. In addition, the panel agreed with the view expressed by Board members and Hill staff that a broader review is needed in the future.

As of September 2008, the WWC has released reports on 95 interventions that had evaluation studies that met WWC criteria with or without reservations ranging across the topics of beginning reading, character education, dropout prevention, early childhood education, English language learning, and elementary and middle school mathematics. (See table 13.) Of these interventions, 71 produced at least one positive or potentially positive outcome. Within each of these topic areas, the WWC has found interventions that have demonstrated positive or potentially positive effects on student outcomes.

²² The members of the expert panel were Hendricks Brown, David Card (chair), Kay Dickersin, Joel Greenhouse, Jeffrey Kling, and Julia Littell.

²³ *Expert Report on the What Works Clearinghouse*. (2008). pp. 10-11. The report is available at <http://ies.ed.gov/director/board>.



**Table 13***Identification of interventions that have positive or potentially positive effects by the What Works Clearinghouse*

Topic	Number of studies reviewed	Number of interventions with studies	Number of interventions with studies meeting WWC criteria with or without reservations	Number of interventions with at least one positive or potentially positive effect
Beginning Reading	987	156	24	22
Character Education	93	41	13	9
Elementary School Math	237	73	5	1
Middle School Math	185	35	7	5
English Language Learners	69	32	12	11
Dropout Prevention	84	22	16	12
Early Childhood Education	194	46	18	11

SOURCE: What Works Clearinghouse website (<http://ies.ed.gov/ncee/wwc/reports>).

The Board recognizes, however, that for the evidence base to truly be useful to education decisionmakers and practitioners, it will need to cover a much broader range of topics and to cover each topic more in depth. For example, there is precious little information on which mathematics curricula are effective. According to the WWC’s elementary and middle school mathematics curricula reviews, the majority of curricula have yet to be evaluated with studies that meet WWC criteria. Many more research and evaluation projects are needed to fill the void. First, the research needs to be done. Second, the WWC needs to complete reviews of the research in many more topics. Currently, the WWC has reviewed interventions in seven areas; many other domains need to be addressed. To whom can a superintendent turn for information on science curricula, teacher professional development programs, social studies curricula, or high school mathematics curricula? Although the Board is pleased with the progress to date and the Board recognizes that creating the processes and procedures that are the working engine of the WWC took substantial thought, effort, and time, the Board encourages the Institute to press ahead to produce more content to make the WWC a one-stop resource center for education decisionmakers.

C.1.b. What Works Clearinghouse/Practice Guides

One of the early criticisms of the WWC was that very little research met WWC’s standards and, consequently, the WWC could not determine whether interventions worked. This situation left education leaders with little guidance for making decisions. Despite pressure to relax its standards and use results from weaker studies, the Institute maintained its standards for the WWC, but developed a new product—the practice guide. Practice guides provide practical recommendations for educators to help them address the everyday challenges they face in their classrooms,





schools, and districts. Developed by a panel of nationally recognized experts, practice guides consist of actionable recommendations and strategies for overcoming potential roadblocks. Similar to practice guides in the medical field, the WWC practice guides also include the expert panel’s rating of the strength of evidence supporting each recommendation. Each practice guide goes through the external review process managed by the Institute’s Standards and Review Office. As of September 30, 2008, the WWC has released seven practice guides. As indicated in table 14 below, these practice guides have been downloaded thousands of times from the WWC website. The practice guides provide the foundation for ED’s *Doing What Works* website. The *Doing What Works* website provides teachers with examples of possible ways of implementing the recommendations from the Institute’s practice guides.

The practice guides reflect an important trait that the Institute has cultivated—adaptability. Over the past 6 years, the Institute has been responsive to external feedback in ways that maintain the rigor and quality of its research but recognizes the pragmatic importance of producing products that address the needs of the education decisionmakers and practitioners. The Institute has generated new products and improved the usability of existing products and services to better serve the education community.

In the future, it will be important for the Institute to gather further evidence on the usefulness of these guides for practitioners.

Table 14

Practice Guides released by the What Works Clearinghouse

Practice guide	Date released	Number of recommendations	Number of downloads¹
Effective Literacy and English Language Instruction for English Learners in the Elementary Grades	July 2007	5	14,547
Organizing Instruction and Study to Improve Student Learning	September 2007	7	30,164
Encouraging Girls in Math and Science	September 2007	5	16,734
Turning Around Chronically Low-Performing Schools	May 2008	4	20,635
Improving Adolescent Literacy: Effective Classroom and Intervention Practices	August 2008	5	7,295
Dropout Prevention	September 2008	6	4,993
Reducing Behavior Problems in the Elementary School Classroom	September 2008	5	5,744

¹ Downloads calculated from initial release of report through September 30, 2008.
SOURCE: What Works Clearinghouse (<http://ies.ed.gov/ncee/wwc>).

C.1.c. Interventions Supported by the Research Centers

The Institute has established ambitious long-term goals for its research programs for producing Institute-supported interventions that are reported by the WWC to be effective in improving student outcomes by 2013-14. The targets are a minimum of 15 reading or writing interventions, 12 mathematics or science education interventions, and 10 teacher-quality interventions that are shown to be effective when widely deployed. Annual targets have been set for the numbers of interventions with evidence of efficacy in improving student outcomes in small-scale, initial evaluations





using designs that meet the standards of the WWC.²⁴ The first targets were set for 2007, and the Institute met or exceeded those targets for identifying Institute-supported interventions that demonstrate positive findings in initial evaluations that meet WWC standards with or without reservations.

Table 15

Number of NCER-supported interventions producing positive effects when evaluated using designs that meet the What Works Clearinghouse criteria

Year	Read/write target	Read/write actual	Math/science target	Math/science actual	Teacher quality target	Teacher quality actual
2007	6	6	3	4	3	3

SOURCE: U.S. Office of Management and Budget, Performance Assessment Rating Tool, Institute of Education Sciences Research report (<http://www.whitehouse.gov/omb/expectmore/summary/10009008.2007.html>).

C.2. Is the Institute widely disseminating information?

The Institute has created new systems (e.g., WWC) and revamped old systems (e.g., ERIC) for disseminating practical information to education leaders, practitioners, parents, and students. The Board applauds the progress the Institute has made in less than 6 years and highlights a few examples of the Institute’s efforts in this report.

C.2.a. What Works Clearinghouse

As described earlier, the creation of the WWC is a significant accomplishment. Nowhere else can education leaders find a transparent, unbiased report of the evidence on the effectiveness of education programs, practices, and policies. One key to its success has been its continued improvement since its inception. In the previously mentioned report commissioned by the Board to review the procedures of the WWC,²⁵ the panel identified areas for possible improvement. The Board believes that the WWC contractor and Institute staff should consider those recommendations and make changes accordingly.

The WWC materials are also disseminated through other venues—in particular, on ED’s *Doing What Works* website. The Office of Planning, Evaluation, and Policy Development’s *Doing What Works* website is a practical resource that provides teachers with information on evidence-based practices. The Institute serves as a partner on this project by providing the *Doing What Works* team with WWC practice guides and other WWC reviews that identify practices that have sufficient scientific evidence to recommend to teachers. In short, the Institute provides the evidence base; the *Doing What Works* team uses videos and other visuals to provide actual examples of how to implement in classroom settings the recommendations.

At this point, the Board believes that the WWC has developed sufficient products on its website for the WWC to develop a system to regularly collect data from its users on their perceptions of the usefulness of its reports. Do state

²⁴ Although initial evaluations are rigorously designed, they typically are not scale-up evaluations that provide evidence that the intervention can be widely deployed under typical conditions and produce an effect. Consequently, these evaluations do not necessarily meet the long-term goal of demonstrating effectiveness when widely deployed.

²⁵ *Expert Report on the What Works Clearinghouse*. (2008). The report is available at <http://ies.ed.gov/director/board>.





and local education decisionmakers find the intervention reports useful? Do they incorporate WWC information into their decisionmaking processes? The Board recommends that the Institute begin collecting such data.

C.2.b. ERIC: Education Resources Information Center

Another major accomplishment of the Institute is its improvement of ERIC, the world's largest digital library of education research and information. When the contracts for the existing ERIC expired in December 2003, the Institute undertook redesigning ERIC to make it more efficient, more cost-effective, and fully capable of taking advantage of current Internet technologies. Today, ERIC provides free Internet-based access to bibliographic records of journal and nonjournal literature indexed from 1966 to the present. In 2003, ERIC materials such as microfiche files and electronic databases were sold to libraries, for-profit vendors, and individuals; today all ERIC materials and services are free. In 2003, a large portion of the ERIC library was available only on microfiche; today all of the holdings are digitized with the exception of about 340,000 older documents that cannot be converted due to the specific language of the permission forms under which access to the documents was originally granted.²⁶ In 2003, 350 journals were indexed in their entirety; in 2008, more than 650 journals are indexed comprehensively and another 150 journals are indexed selectively.²⁷ In 2007, ERIC reached a new high in its customer user base with approximately 93 million separate searches. In the first quarter of 2008 alone, 28,776,644 total searches were conducted through the ERIC database (up 4 percent from the previous quarter).

C.2.c. College Navigator

The Institute worked hard to improve its college search engine and released the new product on September 26, 2007, as the College Navigator website, which is designed to serve students and parents who are searching for information on colleges. College Navigator uses data collected by NCES through the Integrated Postsecondary Education Data System and the Office of Postsecondary Education. New features allow users to modify and fine-tune criteria without starting over, to build a list of favorites and conduct side-by-side comparisons, and to search by such specifics as distance from home, intercollegiate athletic programs, and size of school, to name a few. For adult learners, it finds programs that offer extended learning opportunities such as weekend or evening courses, distance learning, and credit for life experiences. College Navigator provides information on about 7,000 postsecondary institutions in the United States.

Money Magazine named College Navigator as one of the magazine's top 28 websites, one of the best places to start a college search, and the college search site with the best "first screen." "Select basic constraints such as location, public or private college and major," the *Money* article states, and College Navigator will "pump out a list of colleges. Click on any of them and you get a full set of the latest data on expenses, aid, enrollment, admissions and graduation rates, majors, and more, along with a Google map pinpointing location. There's also a good comparison tool, and you can export data into an Excel sheet."²⁸ From its launch on September 26, 2007, through June 30, 2008, the College Navigator has received 700,302 visitors who made more than 5,891,901 page views.

²⁶ ERIC is contacting copyright holders for permission to disseminate the full text of these older materials online.

²⁷ See the ERIC website at <http://ies.ed.gov/ncee/projects/eric.asp>. For journals that are selectively indexed, only education-related articles are included in ERIC.

²⁸ Light, J., Mangla, I.S., and Regnier, P. (2007, December 4). Click Your Way to the Right School. *Money Magazine*. Retrieved July 16, 2008, from http://money.cnn.com/2007/11/29/pf/bestweb_college.moneymag/index.htm.





C.2.d. Other Activities

The Institute supports a variety of other activities to disseminate findings of rigorous education research. As discussed in section A.1.c., the RELs are a major vehicle for dissemination of research findings. Another example of dissemination work is the American Institutes for Research's Scientific Evidence in Education Forum (SEE Forum), which is funded by the Institute. The SEE Forum presents key findings from timely, rigorous research, enabling policymakers and education stakeholders to make well-informed decisions, and works to build greater awareness regarding the value of scientific evidence in education. To date, three forums have been held—one on turning around low-performing schools, one on effective literacy and English language instruction, and one on the impact of afterschool interventions. The Forums are held in Washington, DC, to provide a critical information link between rigorous research and the Washington, DC-based policymaking community. A website at <http://www.seeforums.org> has been developed to provide broad-scale access to the information presented in the forums and support policymakers' efforts to apply rigorous evidence.

C.3. Is the Institute helping education leaders and decisionmakers obtain better data on their education programs and education achievement in their states and districts? Is the Institute helping education leaders and decisionmakers become better consumers of education research?

C.3.a. Statewide Longitudinal Data System (SLDS)

One of the Institute's most important programs for improving the data that states and their districts have is the SLDS grant program, which is administered by NCES. Through this program, grants are provided to support the work of State Education Agencies (SEA) as they design, develop, and implement statewide longitudinal data systems that will assist states in improving student achievement and reducing achievement gaps between different groups of students in kindergarten through grade 12. SLDS grants support long-term endeavors to increase the number, capacity, and functionality of these systems. The grants promote interoperability among school districts within a state, between states, and between elementary and secondary education systems and postsecondary education.

Twenty-seven states received funding totaling \$114,848,893 for FY 06 and FY 07. Approximately \$94 million in funding has been appropriated for FY 09.



**Table 16***Statewide Longitudinal Data Systems awards*

FY 06 grantees	FY 07 grantees
Alaska	Arizona
Arkansas	Colorado
California	District of Columbia
Connecticut	Indiana
Florida	Kansas
Kentucky	Maine
Maryland	Nebraska
Michigan	Nevada
Minnesota	New Hampshire
Ohio	North Carolina
Pennsylvania	Oregon
South Carolina	Utah
Tennessee	Virginia
Wisconsin	

SOURCE: IES National Center for Education Statistics, Statewide Longitudinal Data Systems grant program (<http://nces.ed.gov/programs/slds/>).

In addition to administrative grants management activities, NCES provides technical assistance to grantees, and promotes the exchange of ideas among grantees through a wide range of activities. Grantees have opportunities to learn from experts and from each other through opportunities such as the annual 2-day conference hosting at least two members from each grantee’s project team, monthly conference calls with grantee project directors and monthly “webinar” discussions hosted by a grantee team for all grantee recipients. Technical assistance is provided to grantee states through a contract with the Council of Chief State School Officers (e.g., technical assistance provided in adopting XML data standards). NCES maintains a program website that includes helpful links and PowerPoint files of all past presentations and a document depository resource for sharing and distributing SLDS-related products and materials developed by the grantee states. In addition, a Longitudinal Data Systems Handbook is being developed through NCES’s Forum on Education Statistics to synthesize all major components of developing, implementing, and using such systems. The Board strongly commends the Institute for developing the program and providing the necessary support to enable SEAs to produce longitudinal data systems that will support a sophisticated education epidemiology that will be the engine for hypothesis generation and refinement for what works and what does not in state and local education policy.





C.3.b. National Forum on Education Statistics

The purpose of the Institute's National Forum on Education Statistics (Forum) is to improve the quality, comparability, and usefulness of data used by all levels of government for decisions about elementary and secondary education. The members include a representative of each SEA, and one local education agency in each state, appointed by the chief state school officer, and representatives of ED program offices and other federal agencies and professional associations that have an interest in education data (approximately 125 members). The Forum serves as a sounding board for ED policies about elementary and secondary data (e.g., developing a realistic timeline for implementing the Office of Management and Budget's 1997 race and ethnicity standards among states and school districts). It comprises a community of education data system managers, encouraging innovation and providing technical assistance to the members. The Forum's most important function has been to identify areas of weakness or ambiguity in education data management and use, and to create "best practice" guides to resolving these issues. The Forum *Guides* are written for data system professionals, state and local administrators, and in some cases, teachers and parents. Examples of this work include Forum *Guides* on protecting the confidentiality of student data; collecting information about virtual education; classifying student enrollment status in a standard taxonomy; and a recent curriculum guide to improving data quality, directed toward school and district personnel. The Board is pleased with the Institute's leadership in facilitating the development of education data systems that can be utilized to provide useful and timely answers for education leaders and decisionmakers.

C.3.c. NCES Summer Data Conference

NCES sponsors this 3-day conference every July in the Washington, DC, area. There are usually more than 500 attendees. The purpose of the Data Conference is to update federal, state, and local data professionals on issues and innovations in data collection, management, and use. The NCES Summer Data Conference differs from other ED conferences in that it is directed at education management information systems as a whole, rather than data related to a single federal program. The July 2008 Data Conference included more than 90 concurrent sessions, a number of them concerned with building and using longitudinal student data systems, implementing the ED's EDFacts data collection system, or adopting electronic data standards. There were presentations by state and school district staff on topics such as using data to improve instruction, improving data quality, building a data dictionary, and using longitudinal data to evaluate the effectiveness of teacher preparation programs.

C.3.d. International Assessments

Making international assessment results understandable and useful to the press and the public has been an ongoing feature of recent NCES releases. For example, in late 2007, prior to the releases of the latest round of results from the Progress in International Reading Literacy and from the Program for International Student Assessment (PISA), NCES conducted prebriefings with the press that explained how international assessments compare in purpose, samples, and content with NAEP and to each other, so that differences in performance and trends across assessments could be interpreted knowledgeably. NCES has also recently convened expert panels to examine the content of international assessments against state standards through the work of the Council of Chief State School Officers and in relation to the recommendations of the National Mathematics Advisory Panel. These efforts are intended to extend the usefulness of international assessments beyond the horse race of relative standings, to begin to pose questions of U.S. curriculum rigor in comparison to that of high-performing countries. In the area of adult literacy, NCES has led efforts to establish a new international assessment that borrows from and is timed to alternate with its own national assessment in the United States, so that measures of adult literacy are available on a regular 5-year cycle.





In 2008, NCES conducted a meeting for state and national education leaders, including, among others, chief state school officers, state legislators, representatives from the National Governors Association, and congressional staff, to provide information about the Trends in International Mathematics and Science Study (TIMSS) and PISA and discuss how each assessment relates to state standards and assessment activities, the analytic possibilities and limitations of the international assessments, and other options for obtaining international benchmarks. In the past, U.S. states have been invited to participate as individual entities in TIMSS; 15 have done so at some point, and as many as 13 have participated in any one administration (1999). In the future, states will be invited to participate in both TIMSS (in 2011) and PISA (in 2009 and 2012). The Institute, through NCES, has taken a leadership role in helping states understand the costs, benefits, and alternatives to participating in international assessments for states wanting to determine how their students compare to students in other countries.

C.3.e. Other Activities

The Institute has sponsored a number of programs to help education leaders and decisionmakers understand education research or become more discerning consumers of education research. For example, the Institute has recognized that evidence-based answers to support all of the decisions that education decisionmakers and practitioners must make every day do not yet exist. Moreover, education leaders cannot always wait for scientists to provide answers. One solution to this dilemma is for the education system to integrate rigorous research and evaluation into the core of its activities. In spring 2008, the Institute sponsored a workshop on evaluation of state and local education programs and policies, with 135 people participating in the program. For this workshop, the focus was on providing staff from state and local education agencies with a general understanding of how a rigorous impact evaluation could be embedded in the implementation of new programs or existing programs that are not yet universal in implementation.

Another example is the Institute's collaboration with the National Conference of State Legislatures in conducting a series of seminars to inform state legislators and their staff about research on specific education issues. At these training institutes, research is translated into practical recommendations on topics starting with teacher effectiveness and dropout prevention. Three seminars in 2007 focused on linking policy and research on recruiting and retaining high-quality teachers. Two seminars for legislators attracted 37 legislators from 30 states; one seminar for legislators attracted 40 participants representing 22 states. Three seminars in 2008 focus on preventing and supporting school dropouts. Two seminars for legislators attracted 47 legislators from 37 states; a forthcoming seminar for legislative staff is expected to reach 30-35 attendees. In addition to state legislators and their staff learning about the findings of current education research, these seminars have provided Institute leaders with opportunities to hear about the questions for which state leaders would like answers from education scientists.

The Board commends the Institute for seeking opportunities to engage education leaders and decisionmakers on current issues and providing them with unbiased presentations based on scientific research. The Board strongly encourages the Institute to develop programs to enable education leaders and practitioners to better understand and integrate scientifically based evidence into their decisionmaking. There is a lack of understanding in the broader education community of what constitutes solid research. Analogous to the need to train researchers to conduct rigorous education research, there is a need to train education decisionmakers and practitioners to recognize what constitutes high-quality research and evidence and understand why making distinctions in the quality of research is important. The vast majority of education leaders and practitioners received their knowledge of research from those whose research skills are relatively limited by today's standards. The Institute must take an active role in educating





the education community so that it understands that all research is not the same. Some research provides valid information about causal relations; other research may be just interesting correlational data. If the Institute does not help the education community understand this distinction, the education community will continue to be vulnerable to false claims of causal evidence.





III. Overall Conclusions and Recommendations From the National Board for Education Sciences

When the Institute was established in November 2002, many in the education research and policy community cried *déjà vu*. As some observed, why would anyone expect the Institute to accomplish what its predecessors—the National Institute of Education and OERI—had not? The members of the Board conclude that in a relatively brief period of time the Institute has made exceptional progress in improving the rigor and relevance of education research in our nation. Under the leadership of its first director, Grover J. Whitehurst, the Institute has accomplished what many believed could not be done.

The framework for this nonideological, high-quality work was wisely established by Congress in the ESRA. Because that Act has generated such strong results, the Board is recommending its rapid reauthorization, with a set of modest amendments intended to clarify and strengthen it. In addition, the Board recognizes that transformation of education into an evidence-based field is an enormous task. It will need to involve everyone from federal and state policymakers to local education leaders, administrators, teachers, and parents. By analogy, the progress to date is akin to changing the course of an enormous ocean liner. Over the past 6 years, directional change has been accomplished. We now need to stay on course to get to the destination.

In the next section, the Board summarizes its conclusions and recommendations for the Institute going forward. Above all, the Board asserts that it is most important that the Institute stay the course—that the standards, procedures, and policies that have yielded this new generation of rigorous and relevant research and evaluation continue as the Institute moves from its genesis to firmly establishing itself as a science agency on par with NIH and NSF.

A. Summary of Conclusions and Recommendations

A.1. Advancing the Rigor of Education Research

In its first 6 years, the Institute has made its greatest advances in improving the rigor of education research and evaluation. Although the quality of research is not sufficiently improved to thoroughly transform education into an evidence-based field, this transformation cannot be accomplished without this necessary first step. It is the Board's opinion that it is absolutely crucial that going forward, the Institute maintain the high standards it has established for education research. The only way for research to improve student outcomes is for the research to be of high quality.

The Board is proud of the Institute's scientific review system. This system and the standards it maintains are the foundation for improving the rigor of education research, evaluation, and statistics.

Based on a review of ratings of the quality of education research projects by an independent panel of eminent scientists, the Board commends the Institute for improving the scientific quality of education research. The Board is pleased that over its first 6 years the Institute has achieved a substantial increase in the number of research grants funded each year and the number of applications received.





Given concerns that have been raised with regard to the Institute narrowly focusing its research grant funding on projects that utilize RCTs to evaluate the impact of interventions, the Board was surprised to discover the diversity of the Institute’s research grant portfolio. About 26 percent of the grants funded under the education research grant programs and 23 percent of the grants funded under the special education research programs are evaluations of the impact of interventions for which the Institute prefers experimental designs. The Institute solicits research that addresses a broad range of questions, from exploring the relations between malleable factors (e.g., student competencies, education practices) and education outcomes to testing the validity and reliability of assessments, and encourages the use of a variety of methodologies—descriptive, observational, interview, qualitative, quasi-experimental, and experimental. The Board highly commends the Institute for addressing a wide range of education questions that are relevant to policy and practice and for ensuring that the questions are addressed through appropriate research methods.

The Board applauds the Institute for developing a first-class evaluation program. Not only has the Institute implemented a number of rigorous evaluations of important education programs, but it also has initiated a process for using the findings of an evaluation to modify existing programs to improve outcomes for students.

The Board is pleased with the Institute’s progress in establishing processes to improve the quality of the research conducted through the REL program. As the RELs move toward completing their 5-year contracts, the Board recommends that the Institute conduct an evaluation of the RELs including feedback from state and local education policymakers and decisionmakers on REL activities and reports.

Based on its review of the Institute’s predoctoral and postdoctoral research training programs and its research and statistics training workshops, the Board concludes that the Institute has been successful in producing new education scientists with the necessary skills to conduct rigorous education research and in enhancing the skills of current researchers. The Board congratulates the Institute on its efforts and recommends that the Institute continue to invest in its research training programs.

A.2. Increasing the Relevance and Usefulness of Education Research

No matter how technically sound research activities might be, if they do not address the issues and questions that are of concern to education policymakers and practitioners, the research will not be used to inform education policy and practice. The Institute has made progress in improving the relevance and usefulness of education research, evaluation, and statistics.

Based on ratings of the relevance of funded research projects by education leaders and administrators, the Board is generally pleased with the progress the Institute has made in improving the relevance of its education and special education research portfolios. The Institute accomplished a major improvement in the structure of federal education research programs by establishing focused, long-term programs of research on fundamental education outcomes (e.g., reading, writing, mathematics, and science achievement) and conditions (e.g., quality of the education workforce, education systems and policies). The Institute’s long-term programs of research are sufficiently broad (e.g., improving reading curricula, instructional practices, and assessments from prekindergarten through adult education) to cover a wide range of needs, while at the same time are targeted to expedite the accumulation of knowledge at a faster pace than the diffuse research portfolios typically generated from field-initiated research competitions. The Board recommends that the Institute continue to support its focused programs of research. The Board also recommends that the Institute continue to seek input from education decisionmakers on the issues for which they need answers.





The Board is pleased with the direction and practical focus of the research and dissemination work of the national research and development centers. The Institute has used the centers to generate relevant evidence in key policy areas (e.g., teacher incentives and disincentives, teacher credentials, assessment of English language learners).

The Board applauds the Institute for dramatically improving the timeliness of the release of NCES data and is pleased that perceptions of the relevance of NCES reports continues to remain high.

In reviewing the data on the timeliness of the release of NCEE evaluation reports, the Board recognizes that the Institute has been working to reduce the time from the preparation of the initial draft report to release of the approved document and has made some progress to that end. In addition to the strategies the Institute has already implemented, the Board recommends that the Standards and Review Office create a document that details the Institute's standards and provides guidance to those preparing Institute reports. In addition, the Board recommends that NCEE establish procedures to ensure timely receipt of draft reports from its contractors and to ensure efficient handling of drafts by NCEE staff.

Although the Institute has some promising data on the relevance of NCEE projects, it has not yet established procedures for collecting data on the relevance of NCEE reports.²⁹ The Board recommends that the Institute begin collecting data on the relevance of NCEE evaluation reports.

The Institute has actively sought opportunities to engage education leaders and decisionmakers on current issues and provide them with unbiased presentations based on scientific research. The Board commends the Institute for its work and encourages the Institute to continue to seek ways to enable education leaders and practitioners to integrate scientifically based evidence into their decisionmaking.

A.3. Facilitating Evidence-Based Decisionmaking

Generating rigorous and relevant research is a necessary step toward transforming education into an evidence-based field. However, the Institute must then disseminate the knowledge it produces to facilitate its successful application by education policymakers and practitioners. The Institute has made progress in this arena, but should continue to develop venues and products to support this effort. In addition, the Institute needs to collect data on stakeholders' perceptions of the usefulness of its products and services.

Based on examination of WWC intervention reports and practice guides, data provided on interventions that have been supported through research grants, and NCEE evaluation reports, the Board is impressed with the progress the Institute has made over the past 6 years in starting a new generation of research findings that can inform education decisionmaking. Because the Institute has not collected much data on the degree to which education policymakers and decisionmakers actually use the information, the Board recommends that the Institute begin collecting data on stakeholders' perceptions of the usefulness of WWC products and NCEE evaluation reports for informing their decisions.

Based on information about the WWC, College Navigator, and other programs, the Board believes that the Institute has created dissemination mechanisms with an eye toward serving education leaders, practitioners, parents, and students. The Board commends the Institute for its accomplishments. The Board recommends that the Institute

²⁹ Existing relevance data are ratings of the relevance of the project plans and were obtained prior to the execution and completion of the evaluations.





regularly collect data regarding users' perceptions of the usefulness and usability of the information available through these programs and how they are using the information in their decisionmaking.

Based on information on the Institute's SLDS program, its Forum, the NCES Summer Data Conference, and its work on international assessments, the Board finds that the Institute provides a wide range of technical assistance relative to helping states and districts develop, understand, and use administrative and assessment data. The Institute's statistics center, with a long history upon which to draw, can serve as a model for the other Centers for the type of specialized technical assistance that is unlikely to be available through other venues. That said, the Board would like the Institute to regularly collect data on users' perceptions of the usefulness of these services.

The Board commends the Institute for seeking opportunities to engage education leaders and decisionmakers on current issues and providing them with unbiased presentations based on scientific research. The Board strongly encourages the Institute to develop programs to enable education leaders and practitioners to better understand what constitutes solid research and the reasons why making distinctions in the quality of research is important. The vast majority of education leaders and practitioners received their knowledge of research from those whose research skills are relatively limited by today's standards. The Institute must take an active role in educating the education community so that it understands that all research is not the same. Some research provides valid information about causal relations; other research may be just interesting correlational data. If the Institute does not help the education community understand this distinction, the education community will continue to be vulnerable to false claims of causal evidence.

B. Key Recommendations Identified in Mark-up of Education Sciences Reform Act

At its January and May 2008 meetings, the Board discussed suggestions for revising ESRA. The Board believes that ESRA has been instrumental in creating the framework that has encouraged nonideological, rigorous, and relevant educational research. The Act should be reauthorized quickly, with modest changes that will make it clearer and stronger. Appendix F is an annotated version of ESRA that includes the Board's suggestions and rationale for the proposed change. The types of changes include (a) clarifying ambiguous descriptions; (b) establishing processes to avoid long-time vacancies; (c) maintaining the peer review process under the office of the Director; (d) establishing procedures to buffer the Institute further from outside influences to maintain its integrity and independence as a science agency; (e) changing the definition of scientifically based research to align with more recent language in other legislation; and (f) establishing the Institute as the lead agency for congressionally authorized scientific education research under various education laws.

C. Resolutions of the National Board for Education Sciences

Since inception, the Board has approved the following resolutions. They are repeated here as guidance for the Congress, the Secretary, and the Director:

1. Congress should designate the Institute, in statute, as the lead agency for all congressionally authorized evaluations of ED programs, responsible for all operations, contracts, and reports associated with such evaluations. (September 2006)
2. Congress should allow ED to pool funds generated by the 0.5 percent evaluation set-aside from smaller programs. (September 2006)





3. ED should use its “waiver” authority to build scientifically valid knowledge about what works in K-12 education. (September 2006)
4. Congress, in authorizing and funding evaluations of federal education programs, should require [program] grantees, as a condition of grant award, to participate in the evaluation if asked, including the random assignment to intervention and control groups as appropriate. (April 2005)
5. Congress should create, in statute, effective incentives for federal education program grantees to adopt practices or strategies meeting the highest standard of evidence of sizeable, sustained effects on important educational outcomes. (May 2007)
6. Congress and ED should ensure that individual student data can be used by researchers (with appropriate safeguards for confidentiality) in order to provide evaluations and analyses to improve our schools. (September 2006)
7. Congress should revise the statutory definition of “scientifically based research” so that it includes studies likely to produce valid conclusions about a program’s effectiveness, and excludes studies that often produce erroneous conclusions. (October 2007)
8. The Board reviews and advises the Institute director on grant awards where the proposed grantee is selected out of rank order of applicant scores that result from peer review for scientific merit. (January 2008)
9. The Board commends the Secretary and ED for moving forward in developing new regulations and guidance about how to maintain confidentiality of educational data under Family Educational Rights and Privacy Act (FERPA) while also providing for research uses of student and school data. ED should finalize these regulations quickly, incorporating the major clarifications that have been submitted in comments. (May 2008)
10. Congress should expand on the program of supporting statewide longitudinal data systems by requiring that states accepting funding under this program agree to make data in these systems available to qualified researchers (subject to FERPA) for the purpose of research that is intended to help improve student achievement. (May 2008)





Appendix A

Types of Projects Funded by the Institute of Education Sciences

Goal 1: Exploration and Identification Projects

The purpose of Exploration and Identification projects is to explore the relationship between malleable factors (i.e., factors that can be changed, such as student characteristics and education practices) and education outcomes to identify potential targets of intervention; and explore factors and conditions that may mediate or moderate the relations between malleable factors and education outcomes. For these projects, the Institute encourages a number of methodological approaches including secondary data analyses, observational studies, and meta-analyses of existing studies.

Goal 2: Development Projects

Under the Development goal, applicants propose to develop new education interventions (e.g., instructional approaches, curricula, professional development programs for teachers or education leaders). Applicants may propose to use a variety of methodological approaches to develop the intervention, assess the feasibility of implementing the newly developed intervention in an authentic education delivery setting, and show the promise of the intervention for achieving the desired outcome (e.g., improving math learning). In the most recent Request for Applications, the Institute notes that observational, survey, or qualitative methodologies are encouraged to examine the implementation of the intervention.

Goal 3: Efficacy and Replication Projects

The Institute funds Efficacy and Replication projects to determine whether or not fully developed interventions—programs, practices, and policies—are effective under specified conditions (e.g., urban schools with a high turnover rate among teachers), and with specific types of students (e.g., English language learners). Based on the Request for Applications, the Institute expects Efficacy and Replication projects to use multiple methods for determining whether an intervention produces its intended outcomes and identifying the processes through which the intervention acts, as well as factors that facilitate or hinder the intervention. Applicants are encouraged to utilize random assignment designs to determine the impact of the proposed intervention on its intended outcomes and to incorporate observational, survey, or qualitative methods to help identify factors that may explain the effectiveness or ineffectiveness of the intervention.

Goal 4: Scale-up Evaluations

Under the Scale-up goal, the Institute funds projects to determine the impact of interventions that are implemented at scale and under real-world conditions (i.e., when they are implemented under conditions that would be typical if a school district or other education delivery setting were to implement them [i.e., without special support from the developer or the research team]). The methodological requirements are similar to those for the Efficacy and Replication goal.





Goal 5: Measurement Projects

The Institute solicits projects to develop and validate instruments to measure student outcomes or to assess knowledge and practice of education professionals, as well as proposals to develop or test new techniques for assessment or analysis of assessment data in the context of state accountability standards and systems or to develop and validate cost-accounting tools. In its funding announcement, the Institute does not specify particular methodologies other than to indicate that applicants must describe the proposed methods for developing the measurement instrument, assessing the reliability and validity of the instrument, and analyzing data.





Appendix B

National Center for Education Evaluation and Regional Assistance Impact Evaluations

Table B-1

List of NCEE Impact Evaluations

Title of Evaluation	Design
An Evaluation of the Impact of Mandatory Random Student Drug Testing	RCT**
An Evaluation of the Impact of Supplemental Literacy Interventions in Freshman Academies*	RCT
Closing the Reading Gap*	RCT
Effects of Transitional Bilingual Education, Two-Way Bilingual, and Structured English Immersion Programs and the Literacy and Oracy of Spanish-Dominant Children	RCT
Evaluation of Conversion Magnet Schools	ITS***
Evaluation of the Effectiveness of Educational Technology Interventions*	RCT
Evaluation of the Impact of Charter School Strategies	RCT
Evaluation of the Impact of Literacy Instruction on Adult ESL (English as a Second Language) Learners	RCT
Evaluation of the Impact of the DC Choice Program*	RCT
Evaluation of Math Curricula	RCT
Evaluation of Reading Comprehension Programs	RCT
Even Start Classroom Literacy Interventions and Outcomes (CLIO) Study*	RCT
Feasibility and Conduct of an Impact Evaluation of Title I Supplemental Educational Services	RDD****
Feasibility and Impact Evaluation of Moving High-Performing Teachers to Low-Performing Schools	RCT
Impact Evaluation of a School-Based Violence Prevention Program	RCT
Impact Evaluation of Academic Instruction for Afterschool Programs*	RCT
Impact Evaluation of Response to Intervention Strategies	RCT
The Evaluation of Teachers Trained Through Different Routes to Certification	RCT
Impact Evaluation of Teacher Induction Programs*	RCT
Impact Evaluation of the U.S. Department of Education's Student Mentoring Program	RCT
Impacts of School Improvement Status on Students With Disabilities	RDD****





Table B-1 (continued)

List of NCEE Impact Evaluations

Title of Evaluation	Design
Optimizing Educational Outcomes for English Language Learners	RCT
Project ELLA (English Language/Literacy Acquisition)	RCT
Reading First Impact Study*	RDD****
The Impact of Professional Development Models and Strategies on Teacher Practice and Student Achievement in Early Reading*	RCT
The Impact of Professional Development Strategies on Teacher Practice and Student Achievement in Math	RCT

*Interim or final report is available for this evaluation on the NCEE website at <http://ies.ed.gov/ncee/pubs/>.

**Randomized controlled trial.

***Interrupted time series.

****Regression discontinuity design.

SOURCE: National Center for Education Evaluation and Regional Assistance.





Appendix C

List of Regional Educational Laboratories Randomized Controlled Trials Projects Under Current Contracts, 2006-11

1. The Effectiveness of Hybrid Secondary School Courses on Teacher Practices, Classroom Quality and Adolescent (REL Appalachia)
2. An Impact Evaluation of Early Literacy Programs (REL Appalachia)
3. Study of the Use of Classroom Assessment for Student Learning (REL Central)
4. A Study of the Differential Effects of ELL Training and Materials (REL Central)
5. A Study of the Effectiveness of a School Improvement Intervention (Success in Sight) (REL Central)
6. The Effect of Connected Mathematics Program 2 (CMP2) on the Math Achievement of Middle School Students in Selected Schools in the Mid-Atlantic Region (REL Mid-Atlantic)
7. The Effects of Compass Learning's Odyssey Math Software on the Mathematics Achievement of Fourth-Grade Students (REL Mid-Atlantic)
8. Improving Adolescent Literacy Across the Curriculum: An Evaluation of the Strategic Instruction Model's Content (REL Midwest)
9. Efficacy of Frequent Formative Assessment for Improving Instructional Practice and Student Performance (REL Midwest)
10. Eighth-Grade Access to Algebra I: A Study of Virtual Algebra (REL Northeast)
11. Accelerating Literacy in the Middle School (Thinking Reader) (REL Northeast)
12. An Investigation of the Impact of a Traits-Based Writing Model on Student Achievement (REL Northwest)
13. Study of Effectiveness of Project CRISS on Reading Comprehension and Achievement for High School Students in Grades 9 Through 10 (REL Northwest)
14. Evaluation of Principles-Based Professional Development to Improve Comprehension for ELLs (REL Pacific)
15. The Effectiveness of a Program to Accelerate Vocabulary Development in Kindergarten (REL Southeast)
16. The Effectiveness of the Alabama Math, Science, and Technology Initiative (AMSTI) (REL Southeast)
17. Improving the Comprehension and Vocabulary Skills of ELLs in Fifth Grade Using Collaborative Strategic Reading (REL Southwest)
18. Randomized Evaluation of Tier 2 Mathematics Interventions for Multitiered Early Intervention Models in Grades (REL Southwest)
19. Utilizing Lexiles for a Summer Reading Program for Low-Income Students (REL Southwest)
20. Quality Teaching for English Language Learners (REL West)





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21. Understanding Science and the Academic Literacy of English Language Learners (REL West)
 22. HS Instruction in Problem-Based Economics (REL West)
 23. Program for Infant/Toddler Caregivers (REL West)
 24. Lessons in Character Education (REL West)
 25. Assessment Accommodations for English Language Learners (REL West)





Appendix D

Institutions Receiving Awards to Establish Predoctoral and Postdoctoral Research Training Programs

Table D-1

*FY 04 and FY 05 Predoctoral Research Training Programs**

Fiscal year (FY)	University	Training program director
2004	Carnegie Mellon University	David Klahr
2004	Florida State University	Christopher Lonigan
2004	Northwestern University	David Uttal
2004	University of Virginia	Robert Pianta
2004	Vanderbilt University	David Cordray
2005	University of Chicago	Stephen Raudenbush
2005	University of Miami	Daryl Greenfield
2005	University of Minnesota	Mark Davison
2005	University of Pennsylvania	Rebecca Maynard
2005	University of Wisconsin	Adam Gamoran

*In FY 08, the Institute held another competition for predoctoral research training programs. Three new institutions received awards (Johns Hopkins University, New York University, and University of California, Los Angeles) and two of the FY 04 grantees received a second 5-year predoctoral award (University of Chicago, Vanderbilt University). The data included in this report do not include information from the FY 08 awards because these predoctoral programs begin in the summer of 2008.

SOURCE: IES/NCER Training Programs in Education Sciences 2004-2008 Report.



Table D-2*FY 05–FY 07 Postdoctoral Training Programs**

Fiscal year (FY)	University	Training program director
2005	Florida State University	Christopher Lonigan
2005	Northwestern University	Larry Hedges
2005	Purdue University	Douglas Powell
2005	University of California, Berkeley	Prentice Starkey
2005	University of Pittsburgh	Charles Perfetti
2005	Vanderbilt University	David Cordray
2006	Stanford University	Tony Bryk
2006	University of North Carolina	Donna Bryant
2006	University of Oregon	Rob Horner
2006	University of Virginia	Robert Pianta
2007	Georgia State University	Rose Sevcik
2007	University at Buffalo, SUNY	Julie Sarama
2007	University of California, Berkeley	Mark Wilson

*In FY 08, the Institute held another competition for postdoctoral research training programs. Four principal investigators received awards (Bruce Homer and Jan Plass, City University of New York/New York University; Susan Sheridan, University of Nebraska-Lincoln; Gerald Tindal, University of Oregon; and Paul Cobb, Vanderbilt University). The data included in this report do not include information from the FY 08 awards because these postdoctoral grants begin in the summer of 2008.

SOURCE: IES/NCER Training Programs in Education Sciences 2004-2008 Report.



Appendix E

Predoctoral and Postdoctoral Research Training Programs

During their training programs, the predoctoral and postdoctoral fellows are beginning their careers as productive researchers. In the last 2 years, predoctoral fellows have averaged two research presentations at peer-reviewed conferences per year and had four publications per year. For the same time period, postdoctoral fellows have averaged three research presentations at peer-reviewed conferences per year and one publication per year.

Table E-1

Number of conference presentations and publications by Institute fellows

Institute fellow	Number refereed conference presentations, 7/1/06-6/30/07	Number refereed conference presentations, 7/1/07-3/1/08	Number papers published/ in press 7/1/06-6/30/07	Number papers published/ in press 7/1/07-3/1/08	Total number refereed conference presentations 7/1/06-3/1/08	Total number papers published/ in press 7/1/06-3/1/08
Predoctoral*	307	355	57	69	662	126
Postdoctoral**	53	79	16	36	132	52

*143 active fellows 2006-07, 189 active fellows 2007-08.

**18 active fellows 2006-07, 26 active fellows 2007-08.

SOURCE: IES/NCER Training Programs in Education Sciences 2004-2008 Report.





Appendix F

Annotated Version of the Education Sciences Reform Act With
Recommendations for Changes From the National Board for Education Sciences



EDUCATION SCIENCES REFORM

PUBLIC LAW 107-279

AS AMENDED BY PUBLIC LAW 108-446, THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004, ENACTED ON DECEMBER 3, 2004; 118 STAT. 2647

Notes

1. P.L. 107-279 is often referred to as the "Education Sciences Reform Act of 2002" (ESRA). That short title, however, applies only to Title I of the statute. There are separate short titles for Title II (the "Educational and Technical Assistance Act of 2002") and Title III (the "National Assessment of Educational Progress Authorization Act"). There is no overall short title for the entire statute.
2. The amendments highlighted in this document were made by section 201(a)(1), (a)(2), (b)(1), and (b)(2); section 202; and section 203 of P.L. 108-446, the Individuals with Disabilities Education Improvement Act of 2004; see 118 Stat. 2799 – 2803. Section 302(c)(1) of that Act provides that new sections 175, 176, and 177 (except for subsection (c)) of the ESRA took effect on enactment (Dec. 3, 2004). Section 302(c)(2) provides that section 177(c) of the ESRA takes effect on October 1, 2005; see 118 Stat. 2803. In addition, section 303 of P.L. 108-446 provides various authorities and instructions to the Secretary of Education to ensure the orderly transition of the amendments made by that Act, including the amendments to the ESRA; see 118 Stat. 2803 – 2804.
3. This document sets out Titles I, II, and III of P.L. 107-279, as amended. It does not include Title IV of the Act, which was itself amendatory and has been executed.
45. This document was prepared by the Division of Legislative Counsel in the Office of the General Counsel, U.S. Department of Education as a service for ED employees. It is not an official statement of the law and should not be relied on for that purpose. The official version of the law is set out in the Statutes at Large and in the U.S. Code.

An Act

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I – EDUCATION SCIENCES REFORM

Sec. 101. Short title.

Sec. 102. Definitions.

Part A – The Institute of Education Sciences

Sec. 111. Establishment.

Sec. 112. Functions.

Sec. 113. Delegation.

Sec. 114. Office of the Director.

Sec. 115. Priorities.

Sec. 116. National Board for Education Sciences.

Sec. 117. Commissioners of the National Education Centers.

Sec. 118. Agreements.

Sec. 119. Biennial report.

Sec. 120. Competitive awards.

Part B – National Center for Education Research

Sec. 131. Establishment.

Sec. 132. Commissioner for Education Research.

Sec. 133. Duties.

Sec. 134. Standards for conduct and evaluation of research.

Part C – National Center for Education Statistics

Sec. 151. Establishment.

Sec. 152. Commissioner for Education Statistics.

Sec. 153. Duties.

Sec. 154. Performance of duties.

Sec. 155. Reports.

Sec. 156. Dissemination.

Sec. 157. Cooperative education statistics systems.

Sec. 158. State defined.

Part D – National Center for Education Evaluation and Regional Assistance

- Sec. 171. Establishment.
- Sec. 172. Commissioner for Education Evaluation and Regional Assistance.
- Sec. 173. Evaluations.
- Sec. 174. Regional educational laboratories for research, development, dissemination, and technical assistance.

Part E – National Center for Special Education Research

- Sec. 175. Establishment.
- Sec. 176. Commissioner for Special Education Research.
- Sec. 177. Duties.

Part F – General Provisions

- Sec. 181. Interagency data sources and formats.
- Sec. 182. Prohibitions.
- Sec. 183. Confidentiality.
- Sec. 184. Availability of data.
- Sec. 185. Performance management.
- Sec. 186. Authority to publish.
- Sec. 187. Vacancies.
- Sec. 188. Scientific or technical employees.
- Sec. 189. Fellowships.
- Sec. 190. Voluntary service.
- Sec. 191. Rulemaking.
- Sec. 192. Copyright.
- Sec. 193. Removal.
- Sec. 194. Authorization of appropriations.

TITLE II – EDUCATIONAL TECHNICAL ASSISTANCE

- Sec. 201. Short title.
- Sec. 202. Definitions.
- Sec. 203. Comprehensive centers.
- Sec. 204. Evaluations.
- Sec. 205. Existing technical assistance providers.
- Sec. 206. Regional advisory committees.
- Sec. 207. Priorities.
- Sec. 208. Grant program for statewide, longitudinal data systems.
- Sec. 209. Authorization of appropriations.

TITLE III – NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

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

TITLE I – EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE. (20 USC 9501 note)

This title may be cited as the "Education Sciences Reform Act of 2002".

SEC. 102. DEFINITIONS. (20 USC 9501)

In this title:

(1) **IN GENERAL.** The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms "freely associated states" and "outlying area" have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) **APPLIED RESEARCH.** The term "applied research" means research—

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

(B) that is specifically directed to the advancement of practice in the field of education.

(3) **BASIC RESEARCH.** The term "basic research" means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

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

(4) **BOARD.** The term "Board" means the National Board for Education Sciences established under section 116.

(5) **BUREAU.** The term "Bureau" means the Bureau of Indian Affairs.

(6) **COMPREHENSIVE CENTER.** The term "comprehensive center" means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) **DEPARTMENT.** The term "Department" means the Department of Education.

(8) **DEVELOPMENT.** The term "development" means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) **DIRECTOR.** The term "Director" means the Director of the Institute of Education Sciences.

(10) **DISSEMINATION.** The term "dissemination" means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11) EARLY CHILDHOOD EDUCATOR. The term "early childhood educator" means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

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

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

(14) INSTITUTE. The term "Institute" means the Institute of Education Sciences established under section 111.

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

(16) NATIONAL RESEARCH AND DEVELOPMENT CENTER. The term "national research and development center" means a research and development center supported under section 133(c).

(17) PROVIDER OF EARLY CHILDHOOD SERVICES. The term "provider of early childhood services" means a public or private entity that serves young children, including—

(A) child care providers;

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

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) **PRINCIPLES OF SCIENTIFIC RESEARCH - ***

The term 'principles of scientific research' means research that -

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

(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

* Congress has moved towards defining "principles of scientific research" rather than defining "scientifically-based research." The differences, with one exception, aren't substantive. This is Congress's language as used in the Head Start reauthorization.

(C) includes, appropriate to the research being conducted -

- (I) use of systematic, empirical methods that draw on observation or experiment;
- (II) use of data analyses that are adequate to support the general findings;
- (III) reliance on measurements or observational methods that provide reliable and generalizable findings;
- (IV) ~~strong claims of causal relationships only in research designs that eliminate plausible competing explanations for observed results, which include but are not limited to random assignment experiments;~~ strong claims about an activity's impact on educational outcomes only in well-designed and implemented random assignment experiments, when feasible, and other methods (such as well-matched comparison group studies) that allow for the strongest possible causal inferences when random assignment is not feasible^{*}
- (V) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;
- (VI) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review;
- (VII) use of research designs and methods appropriate to the research questions posed; and
- (VIII) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

(19) **SCIENTIFICALLY-VALID RESEARCH** - The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research

SCIENTIFICALLY BASED RESEARCH STANDARDS:

^{*}This substitutes language adopted by the Board for Congress's Head Start language. The Board language prioritizes randomized trials for causal claims whereas Congress's language does not.

~~(A) The term "scientifically based research standards" means research standards that—~~

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

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

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

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

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

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

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

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

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

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

(2019) SCIENTIFICALLY VALID EDUCATION EVALUATION. The term "scientifically valid education evaluation" means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

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

~~**(20) SCIENTIFICALLY VALID RESEARCH.** The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.~~

(21) SECRETARY. The term "Secretary" means the Secretary of Education.

(22) STATE. The term "State" includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) TECHNICAL ASSISTANCE. The term "technical assistance" means—

(A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—

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

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

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

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A – THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT. (20 USC 9511)

(a) ESTABLISHMENT. There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) MISSION.

(1) IN GENERAL. The mission of the Institute is to **provide national leadership in expanding reliable evidence on which to ground education practice and policy and to encourage its use** * ~~provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide by~~ parents, educators, students, researchers, policymakers, and the general public. ~~The Institute shall provide information about~~ **with reliable information about—**

(A) the condition and progress of education in the United States, including early childhood education and special education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

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

(2) CARRYING OUT MISSION. In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated

* The new definition, which focuses on providing evidence and encouraging its use, is much closer to what IES does and is more objective than the existing definition's focus on fundamental knowledge and understanding.

national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

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

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

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

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

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

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B);

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

(C) the National Center for Education Evaluation and Regional Assistance (as described in part D); and

(D) the National Center for Special Education Research (as described in part E).

SEC. 112. FUNCTIONS. (20 USC 9512)

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

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

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

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

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

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and

(6) promote the use and application of research and development to improve practice in the classroom.

SEC. 113. DELEGATION. (20 USC 9513)

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

(1) the Institute shall utilize the Department's administrative support services for travel, contracting, purchasing, human resources, information technology,

and facilities under terms established by the Secretary that do not infringe on the Director's responsibilities as detailed in this Act;*

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

~~(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;~~

~~(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;~~

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

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

(b) OTHER ACTIVITIES. The Director may accept from the ^{***} Secretary ~~may~~ assignments for the Institute to ~~responsibility for~~ administering other activities, if those activities are consistent with—

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

- (2) the Institute's mission, but only if those activities do not divert the Institute from its priorities.

* Determining exactly what authority is delegated to the Director and what remains with the Secretary has been difficult due to the ambiguity of the current phrase, "other than administrative and support functions". For example, do "administrative functions" reserve to the Secretary the authority to determine which particular staff are hired by the Director or is this the Director's responsibility? Do "administrative functions" include managing contact with the press or does the Director have the authority to interact with the press without approval of the Secretary? Do "administrative functions" include requiring that annual employee performance plans within IES include the Secretary's priorities? The new definition is more precise in providing a list of specific functions that are reserved to the Department.

** NAGB had sections 2, 3, 4, & 5 inserted into ESRA because of their concern that someone would interpret ESRA as diminishing the role of NAGB. This principle is clearly articulated in the paragraph just prior to these sections, making these sections unnecessary.

*** This change makes it IES's option to accept additional assignments from the Secretary. The current language makes it possible for the Secretary to assign activities to IES that may not be appropriate or consistent with IES's priorities or mission since it would be the Secretary who would make the determination of consistency.

SEC. 114. OFFICE OF THE DIRECTOR. (20 USC 9514)

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

(b) TERM.

(1) IN GENERAL. The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director, ~~except that the Director may serve after the expiration of the Director's term, until a successor has been appointed, for a period not to exceed 1 additional year.~~‡

(2) RENOMINATION. A Director may be renominated for a new term, **

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

(3) BOARD RECOMMENDATIONS. The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a) ~~other than a Director appointed under paragraph (2).~~

(c) PAY. The Director shall receive the rate of basic pay for level II of the Executive Schedule ~~and shall be eligible for critical pay under the Federal Workforce Flexibility Act of 2004.~~***

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

(e) ADMINISTRATION. The Director shall—

(1) administer, oversee, and coordinate the activities carried out under the Institute, including the activities of the National Education Centers; ~~and~~

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary; ~~and~~

(3) ~~report directly to the Secretary.~~****

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

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

(2) ~~To submit to the Board every two years a biennial plan of activities consistent with the priorities under Sec. 115.~~

* Enhances the possibility of continuity in leadership when a director's term expires but no-one has been nominated to replace the director.

** Makes explicit what could be interpreted as permissible in current law.

*** Many people who might be qualified to be Director are unwilling to do so over a 6 year term at the rate of pay of level II. This addition provides pay flexibility in recruiting a director, and would be subject to the recommendation of the Board.

**** A direct reporting line to the Secretary is important to maintaining the status and independent functioning of IES within the Department

(2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government.

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

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

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

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

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

(9) ~~To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and the Department's technical assistance comprehensive centers.~~ To coordinate with the Secretary to assure that the results of the Institute's work are utilized by the Department's technical assistance providers.*

~~(9)~~ (10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.

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

(12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE. The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than 1/4 of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that

^{***} Peer review procedures have already been established and approved by the Board.

* This expands the coordination function from the 15 comprehensive assistance centers to all of the Department's technical assistance providers.

reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

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

SEC. 115. PRIORITIES. (20 USC 9515)

(a) PROPOSAL. ~~Not later than 6 years from the date of the previous approval of priorities~~***, ~~t~~The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

(2) ensuring—

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

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

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

(b) APPROVAL. The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY. The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.

(1) PRIORITIES. Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

** IES cannot review products, only publications that make scientific claims.

*** Provides for updating priorities at least every 6 years.

(2) PLAN. Upon approval of such priorities, the Director shall make the Institute's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES. (20 USC 9516)

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

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

- (1) To advise and consult with the Director on the policies of the Institute.
- (2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.
- (3) To review and advise the Director on the biennial plan submitted under Sec. 114 (f)(2)
- (4) To review and approve procedures for technical and scientific peer review of the activities of the Institute.
- (5) To advise the Director on the establishment of activities to be supported by the Institute, including the general areas of research to be carried out by the National Center for Education Research.
- (6) To present to the Director such recommendations as it may find appropriate for—
 - (A) the strengthening of education research; and
 - (B) the funding of the Institute.
- (7) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.
- (8) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title.
- (9) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.
- (10) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of the Institute.
- (11) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Institute.
- (12) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.
- (13) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(14) To recommend when it considers it necessary and appropriate a salary for the Director under the critical pay authority of the Federal Workforce Flexibility Act of 2004.*

(c) COMPOSITION.

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

(2) ADVICE. The President shall solicit advice regarding individuals to serve on the Board from the Board, and from the National Academy of Sciences, the National Science Board, the American Educational Research Association, the Society for Research on Educational Effectiveness, and the National Science Advisor.

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

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

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

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERSHIP.

(A) QUALIFICATIONS. Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include the following individuals:

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

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, special education experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

* Level II pay with no possibility for outside earned income will involve a substantial pay reduction for many qualified candidates. Under those conditions, individuals with either not take the job, or stay for only a few years. The critical pay authority doesn't automatically generate a pay increase. Each case is considered individually by OPM. Someone would have to be earning more than Level II in the current position to be considered for more than Level II as Director. The Board would have to approve the increase. This change will provide needed salary flexibility in recruiting a Director.

* The President is required to solicit advice from the Academies per a previous section. This mention is redundant and unnecessary.

(B) TERMS. Each member appointed under paragraph (1) shall serve for a term of 4 years from the date of their appointment^{**}, except that—

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

~~(I) 4 years for each of 5 members;~~

~~(II) 3 years for each of 5 members; and~~

~~(III) 2 years for each of 5 members; and^{***}~~

~~(ii)~~ (i) no member appointed under such paragraph shall serve for more than 2 consecutive terms. (ii) a member may continue to serve after the expiration of the member's term, until a successor has been appointed, for a period not to exceed 1 additional year.

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

(D) CONFLICT OF INTEREST. A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR. The Board shall elect a chair and a vice-chair from among the members of the Board.

(6) COMPENSATION. Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES. The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.

(A) EXECUTIVE DIRECTOR. The Board shall have an Executive Director who shall be appointed by the Board for a term not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and who shall be compensated (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) at a rate of basic pay not to exceed the maximum rate of basic pay payable for positions at GS-15. A serving Executive Director may be reappointed by the Board.^{****}

(B) ADDITIONAL STAFF. The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair and the Executive Director.

^{**} The White House has been measuring terms from the date of nomination. With delays in confirmation, functional terms are unnecessarily shortened.

^{***} Staggering of terms was only necessary at the beginning of the Board's existence.

^{****} The Board currently does not have the authority to hire.

(C) DETAIL OF PERSONNEL. The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

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

(E) INFORMATION. The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(F) Charitable Contributions. The Board shall be able to accept charitable donations and bequests to further the mission of the Board. *

(9) MEETINGS. The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board are subject to section 552b of title 5, United States Code (commonly referred to as the Government in the Sunshine Act).

(10) QUORUM. A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.**

~~(1) ESTABLISHMENT. The Board may establish standing committees comprised of voting and ex-officio members to make recommendations to the Board with respect to the Board's responsibilities under this Act~~

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

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

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

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

~~(B) ex-officio members of the Board; and~~

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

* Would allow for the Board to have sponsored events such as an awards dinner.

** Brings subcommittee language in conformity with the way the Board has organized itself for the last two years.

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

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

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

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

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

(e) ANNUAL REPORT. The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

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

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS. (20 USC 9517)

(a) APPOINTMENT OF COMMISSIONERS.

(1) IN GENERAL. ~~Except as provided in subsection (b), e~~Each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

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

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

(B) ~~be eligible for critical pay under the provisions of the Federal Workforce Flexibility Act of 2004; and~~*

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

* Provides higher base pay and greater pay flexibility in order to enhance recruitment flexibility for commissioners.

(3) SERVICE. ~~Except as provided in subsection (b), e~~ Each Commissioner shall report to the Director. A Commissioner shall serve for a period of ~~not more than 6~~ years ~~from the date of such Commissioner's appointment~~, except that a Commissioner —

(A) may be reappointed by the Director; and

(B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

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

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

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

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

(be) COORDINATION. Each Commissioner of a National Education Center shall coordinate with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this title.

(cd) SUPERVISION AND APPROVAL. Each Commissioner, ~~except the Commissioner for Education Statistics,~~ shall carry out such Commissioner's duties under this title under the supervision and subject to the approval of the Director.

SEC. 118. AGREEMENTS. (20 USC 9518)

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

SEC. 119. BIENNIAL REPORT. (20 USC 9519)

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

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

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

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

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

SEC. 120. COMPETITIVE AWARDS. (20 USC 9520)

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

PART B – NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT. (20 USC 9531)

(a) ESTABLISHMENT. There is established in the Institute a National Center for Education Research (in this part referred to as the "Research Center").

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

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

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

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

(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and (D) improve access to, and opportunity for, postsecondary education;

(2) to support the synthesis and, as appropriate, the integration of education research;

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

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

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH. (20 USC 9532)

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the "Research Commissioner") who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES. (20 USC 9533)

(a) GENERAL DUTIES. The Research Center shall—

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

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

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

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

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Institute, and are approved by the Director;

* The Institute has centralized peer review standards and procedures as approved by the Board.

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

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

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

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

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;

(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;

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

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

(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, as approved by the Director;

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

(A) research into how technology affects student achievement;

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

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

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

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

(b) ELIGIBILITY. Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by

recipients with the ability and capacity to conduct scientifically valid research.

(c) PRIORITIES FOR LONG-TERM RESEARCH ACTIVITIES ~~8~~ NATIONAL RESEARCH AND DEVELOPMENT CENTERS.

(1) SUPPORT. In carrying out activities under subsection (a)(3), the Research Commissioner shall support long-term and well-funded programs of research that address the topics described in paragraph (2) as well as additional topics of research consistent with the Institute's priorities as approved by the Board. ~~s not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.~~

(2) TOPICS OF RESEARCH. The Research Commissioner shall support the following topics of research, through national research and development centers or through other means, ~~assuring capacity is built in multiple locations to conduct quality research on the topic.~~

- (A) Adult literacy.
- (B) Assessment, standards, and accountability research.
- (C) Early childhood development and education.
- (D) English language learners research.
- (E) Improving low achieving schools.
- (F) Innovation in education reform.
- (G) State and local policy.
- (H) Postsecondary education and training.
- (I) Rural education.
- (J) Teacher quality.
- (K) Reading and literacy.
- (L) Educational Technology.
- (M) Student achievement in the core academic disciplines

~~(3) DUTIES OF CENTERS. The national research and development centers shall address areas of national need, including in educational technology areas. The~~

* National R&D Centers have been bones of contention going back to the drafting of ESRA in 2001. The bill came within an inch of being scuttled as the House and Senate fought over which centers to require. The IES position is that the research commissioner and the director, with the counsel of the Board, should be able to determine the best funding mechanisms and funding levels for advancing IES's long-term research priorities rather than having Congress earmark particular centers and levels of funding. The change in language maintains an emphasis on long-term programs of research on particular priorities and indicates that they should be well-funded without requiring 8 specific r&d centers. IES currently funds 11 r&d centers, 3 more than required by law, so there is no bias against that using that form of grant making at IES.

~~Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of educational technology, where appropriate, in achieving the goals of each center.~~

~~(43) SCOPE OF CENTERS. Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—~~

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

~~(B) merits renewal (applying the procedures and standards established in section 134).~~

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

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

~~(6) DISAGGREGATION. To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.~~

SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH. (20 USC 9534)

(a) IN GENERAL. In carrying out this part, the Research Commissioner shall—

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

(2) develop such other standards as may be necessary to govern the conduct ~~and evaluation~~ of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) PEER REVIEW.^{*} The Director shall maintain a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed \$100,000, and for evaluating and assessing all research, statistical, and evaluation reports that are issued by the Institute.

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

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

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

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

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

* The new language conforms with the practice of IES, which is to have one standards and review office for all IES publications and to manage all IES research competitions and with the statutory prescription under Sec. 116(b)(3) for the Director to establish procedures for technical and scientific review that must be approved by the Board.

PART C – NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT. (20 USC 9541)

(a) ESTABLISHMENT. There is established in the Institute a National Center for Education Statistics (in this part referred to as the "Statistics Center").

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

- (1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;
- (2) to report education information and statistics in a timely manner; and
- (3) to collect, analyze, and report education information and statistics in a manner that—
 - (A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and
 - (B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS. (20 USC 9542)

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the "Statistics Commissioner") who shall be highly qualified and have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES. (20 USC 9543)

(a) GENERAL DUTIES. The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

- (1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—
 - (A) State and local education reform activities;
 - (B) State and local early childhood school readiness activities;
 - (C) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;
 - (D) secondary school completions, dropouts, and adult literacy and reading skills;
 - (E) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;
 - (F) teaching, including—
 - (i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and

science with courses in noncore academic areas, including technology courses;
and

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

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

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

(i) the relationship between victims and perpetrators;

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

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(I) the financing and management of education, including data on revenues and expenditures;

(J) the social and economic status of children, including their academic achievement;

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

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

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

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

(O) the existence and use of school libraries;

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

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decisionmaking;

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

(5) determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect

student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;

(6) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

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

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

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

(b) TRAINING PROGRAM. The Statistics ~~Commissioner~~ Center* may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts, and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES. (20 USC 9544)

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS. In carrying out the duties under this part, the Statistics ~~Commissioner~~ Center may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) GATHERING INFORMATION.

(1) SAMPLING. The Statistics ~~Commissioner~~ Center may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) SOURCE OF INFORMATION. The Statistics ~~Commissioner~~ Center may, as appropriate, use information collected—

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

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

(3) COLLECTION. The Statistics Commissioner may—

* This work has already been accomplished.

* In describing responsibilities and duties the current language sometimes assigns responsibilities to the Center and sometimes to the Commissioner without apparent rhyme or reason. The change in language uses "Center" consistently in keeping with the usage for the duties and responsibilities of the other IES education centers, retaining "Commissioner" when the authority or responsibility is clearly supervisory or requires the action of a single individual with authority.

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

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

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION. In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics ~~Commissioner~~ Center shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

(c) DURATION. Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years., ~~and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than 5 years.~~^z

SEC. 155. REPORTS. (20 USC 9545)

(a) PROCEDURES FOR ISSUANCE OF REPORTS. The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review under procedures established by the Director under Sec. 116(b)(3)^{**}, produced in a timely fashion, and free from any partisan political influence.

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

(c) STATISTICAL REPORTS. The Statistics Commissioner shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and the mission of the Statistics Center.

SEC. 156. DISSEMINATION. (20 USC 9546)

(a) GENERAL REQUESTS.

(1) IN GENERAL. The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

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

* Non competitive renewals are unnecessary and subject to abuse.

** Establishes unambiguously that the peer review procedures established by the director and approved by the board apply to NCES.

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

(c) JOINT STATISTICAL PROJECTS. The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) FEES.

(1) IN GENERAL. Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) FUNDS RECEIVED. All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.

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

(2) INTERESTED PARTIES. The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS. (20 USC 9547)

The Statistics Center may establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED. (20 USC 9548)

In this part, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D – NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. ESTABLISHMENT. (20 USC 9561)

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

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

- (1) to provide technical assistance;
- (2) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science);
- (3) to support synthesis and wide dissemination of results of evaluation, research, and products developed; and
- (4) to encourage the use of scientifically valid education research and evaluation throughout the United States.

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

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE. (20 USC 9562)

(a) IN GENERAL. The National Center for Education Evaluation and Regional Assistance shall be headed by a Commissioner for Education Evaluation and Regional Assistance (in this part referred to as the "Evaluation and Regional Assistance Commissioner") who is highly qualified and has demonstrated a capacity to carry out the mission of the Center and shall—

- (1) conduct evaluations pursuant to section 173;
- (2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—
 - (A) the core academic areas of reading, mathematics, and science;
 - (B) closing the achievement gap between high-performing students and low-performing students;
 - (C) educational practices that improve academic achievement and promote learning;
 - (D) education technology, including software; and
 - (E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f))

(as such provision was in effect on the day before the date of enactment of this Act);

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

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

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

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

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

(b) ADDITIONAL DUTIES. In carrying out subsection (a), the Evaluation and Regional Assistance ~~Commissioner~~ Center shall—

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

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

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

(A) the findings that are disseminated; and

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

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

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

* Not relevant for reauthorization.

(d) NATIONAL LIBRARY OF EDUCATION.

(1) ESTABLISHMENT. There is established within the National Center for Education Evaluation and Regional Assistance a National Library of Education that shall—

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

(B) collect and archive information;

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

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

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

(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—

(i) consistent with—

(I) scientifically valid research; or

(II) the priorities and mission of the Institute; and

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

SEC. 173. EVALUATIONS. (20 USC 9563)

(a) IN GENERAL.

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

(A) conduct or support evaluations consistent with the Center's mission as described in section 171(b);

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

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

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

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

(F) establish evaluation methodology; and

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

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

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review [through a peer review system maintained by the Director involving highly qualified individuals with an in-depth knowledge of the subject being evaluated.](#)*

(b) ADMINISTRATION OF EVALUATIONS ~~UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.~~ The Evaluation and Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and contracts associated with evaluations [of education programs](#) authorized by ~~part E of title I of~~ the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.), [the Higher Education Act, IDEA, The Carl D. Perkins Career and Technical Education Act, and the Adult Education and Family Literacy Act](#) and administered by the Department as of the date of enactment of this Act.

SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE. (20 USC 9564)

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

(b) REGIONS. The regions served by the regional educational laboratories shall be the 10 geographic regions served by the regional educational laboratories established under [this section](#) ~~941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994~~ (as such provision existed on the day before the date of enactment of this Act).

(c) ELIGIBLE APPLICANTS. The Director may enter into contracts under this section with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this section, ~~including regional entities that carried out activities under the Educational Research, Development, Dissemination,~~

* Brings the language into conformity with the existing and Board approved centralized peer review procedures of IES.

~~and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)).*~~

(d) APPLICATIONS.

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

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

(e) ENTERING INTO CONTRACTS.

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

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

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

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

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

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

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

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

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

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

(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities

* Not relevant for reauthorization of IES.

authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

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

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

(f) CENTRAL MISSION AND PRIMARY FUNCTION. Each regional educational laboratory awarded a contract under this section shall support applied research, development, wide dissemination, and technical assistance activities by—

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

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

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

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

(ii) English language acquisition;

(iii) education technology; and

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

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

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

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

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

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

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(h) GOVERNING BOARD AND ALLOCATION.

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

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region;

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

(III) technical expertise;

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

(iii) includes—

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

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

(iv) is the sole entity that—

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

(II) determines the regional agenda of the laboratory;

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

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

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

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

(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that will make progress toward achieving the State education goals and reforming schools and educational systems; and

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

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

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

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

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

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

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

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

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

(k) RULE OF CONSTRUCTION. No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

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

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

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

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

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

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

PART E – NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

SEC. 175. ESTABLISHMENT. (20 USC 9567)

(a) ESTABLISHMENT. There is established in the Institute a National Center for Special Education Research (in this part referred to as the "Special Education Research Center").

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

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

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

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

(c) APPLICABILITY OF EDUCATION SCIENCES REFORM ACT OF 2002. Parts A and F, and the standards for peer review of applications and for the conduct and evaluation of research under sections 133(a) and 134, respectively, shall apply to the Secretary, the Director, and the Commissioner in carrying out this part.

SEC. 176. COMMISSIONER FOR SPECIAL EDUCATION RESEARCH. (20 USC 9567a)

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

SEC. 177. DUTIES. (20 USC 9567b)

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

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

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

(B) developmental outcomes for infants or toddlers with disabilities;

(2) identify scientifically based educational practices that support learning and improve academic achievement, functional outcomes, and educational results for all students with disabilities;

(3) examine the special needs of preschool aged children, infants, and toddlers with disabilities, including factors that may result in developmental delays;

(4) identify scientifically based related services and interventions that promote participation and progress in the general education curriculum and general education settings;

(5) improve the alignment, compatibility, and development of valid and reliable assessments, including alternate assessments, as required by section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(6) examine State content standards and alternate assessments for students with significant cognitive impairment in terms of academic achievement, individualized instructional need, appropriate education settings, and improved post-school results;

(7) examine the educational, developmental, and transitional needs of children with high incidence and low incidence disabilities;

(8) examine the extent to which overidentification and underidentification of children with disabilities occurs, and the causes thereof;

(9) improve reading and literacy skills of children with disabilities;

(10) examine and improve secondary and postsecondary education and transitional outcomes and results for children with disabilities;

(11) examine methods of early intervention for children with disabilities, including children with multiple or complex developmental delays;

(12) examine and incorporate universal design concepts in the development of standards, assessments, curricula, and instructional methods to improve educational and transitional results for children with disabilities;

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

(14) examine the excess costs of educating a child with a disability and expenses associated with high cost special education and related services;

(15) help parents improve educational results for their children, particularly related to transition issues;

(16) address the unique needs of children with significant cognitive disabilities; and

(17) examine the special needs of limited English proficient children with disabilities.

(b) STANDARDS. The Special Education Research Commissioner shall ensure that activities assisted under this section—

(1) conform to high standards of quality, integrity, accuracy, validity, and reliability;

(2) are carried out in accordance with the standards for the conduct and evaluation of all research and development established by the National Center for Education Research; and

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

(c) PLAN. The Special Education Research Commissioner shall propose to the Director a research plan, developed in collaboration with the Assistant Secretary for Special Education and Rehabilitative Services, that—

(1) is consistent with the priorities and mission of the Institute and the mission of the Special Education Research Center;

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

(3) is consistent with the purposes of the Individuals with Disabilities Education Act;

(4) contains an appropriate balance across all age ranges and types of children with disabilities;

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

(6) is coordinated with the comprehensive plan developed under section 681 of the Individuals with Disabilities Education Act.

(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.

(1) IN GENERAL. In carrying out the duties under this section, the Director may award grants to, or enter into contracts or cooperative agreements with, eligible applicants.

(2) ELIGIBLE APPLICANTS. Activities carried out under this subsection through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

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

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

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

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

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

PART F – GENERAL PROVISIONS

SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS. (20 USC 9571)

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

SEC. 182. PROHIBITIONS. (20 USC 9572)

(a) NATIONAL DATABASE. Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

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

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

(d) FEDERALLY SPONSORED TESTING.

(1) IN GENERAL. Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) EXCEPTIONS. Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 183. CONFIDENTIALITY. (20 USC 9573)

(a) IN GENERAL. All collection, maintenance, use, and wide dissemination of data by the Institute, including each office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) STUDENT INFORMATION. The Director shall ensure that all individually identifiable information about students, their academic achievements, and their families, ~~and information with respect to individual schools,~~^{*} shall remain confidential in

* Schools do not receive privacy protection elsewhere in federal statute or regulations. Many IES reports from NCES require that schools be identified, e.g., the Common Core of Data. The

accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(c) CONFIDENTIALITY STANDARDS.

(1) IN GENERAL.

(A) The Director shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this title.

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

(2) PROHIBITION. No person may—

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

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

(C) permit anyone other than the individuals authorized by the Director to examine the individual reports.

(d) ADMINISTRATION.

(1) IN GENERAL.

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

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

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

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

prohibition on revealing school identity means that useful information must be omitted from evaluation reports. There is no compelling reason to maintain this protection for schools.

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

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

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

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

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

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

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

(e) INVESTIGATION AND PROSECUTION OF TERRORISM.

(1) IN GENERAL. Notwithstanding subsections (a) and (b) **[should be changed to "(c) and (d)" to conform to redesignation of those subsections; see note at the end of §183]**, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

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

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

(2) **APPLICATION AND APPROVAL.**

(A) **IN GENERAL.** An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

(3) **PROTECTION.** An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production. **[reference to "(b)(2)" should be updated to "(d)(2)" to reflect redesignation of former subsection (b); see note below]**

[Note: Subsections (c) through (e) were previously §408 of the National Education Statistics Act of 1994. That section was amended by §401(a)(1) – (5) of P.L. 107-279 and transferred to §183, as subsections (c) through (e), by §401(a)(6); 116 Stat. 1982 – 1983.]

SEC. 184. AVAILABILITY OF DATA. (20 USC 9574)

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

SEC. 185. PERFORMANCE MANAGEMENT. (20 USC 9575)

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

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

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

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

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

(5) Continuously improving management strategies and practices.

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

SEC. 186. AUTHORITY TO PUBLISH. (20 USC 9576)

(a) PUBLICATION. The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department or agency of the Federal government.

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

(c) PEER REVIEW. All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

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

- (1) information on current or proposed budgets, appropriations, or legislation;
- (2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and
- (3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 187. VACANCIES. (20 USC 9577)

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 188.

SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES. (20 USC 9578)

(a) IN GENERAL. The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

- (1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;
- (2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS-15, as determined in accordance with section 5376 of title 5, United States Code, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

* Syntactic fix – the Director cannot provide the Secretary with advance copies of “information”, only of publications.

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or 1/5 of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(b) DUTIES OF EMPLOYEES. All employees described in subsection (a) shall work on activities of the Institute or the office, board, committee, or center, and shall not be reassigned to other duties outside the Institute or the office, board, committee, or center during their term.

SEC. 189. FELLOWSHIPS. (20 USC 9579)

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

SEC. 190. VOLUNTARY SERVICE. (20 USC 9580)

The Director may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Institute.

SEC. 191. RULEMAKING. (20 USC 9581)

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

SEC. 192. COPYRIGHT. (20 USC 9582)

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

SEC. 193. REMOVAL. (20 USC 9583)*

(a) PRESIDENTIAL. The Director ~~and any~~ member of the Board, ~~and the Commissioner for Education Statistics~~ may be removed ~~for cause~~ by the President prior to the expiration of the term of each such appointee ~~subsequent to the President informing the Board of the cause for which the appointee is to be removed.~~

* Provides for removal for cause rather than simple removal. Without a “for cause” provision there is no difference between a term appointment and serving at the pleasure of. Without a “for cause” provision, appointees covered in this section could be routinely removed on a change of administration.

(b) DIRECTOR. Each Commissioner appointed by the Director pursuant to section 117 may be removed **for cause** by the Director prior to the expiration of the term of each such Commissioner **subsequent to the Director informing the Board of the cause for which the appointee is to be removed and receiving advice from the Board on the proposed removal.**

SEC. 194. AUTHORIZATION OF APPROPRIATIONS. (20 USC 9584)

(a) IN GENERAL. There are authorized to be appropriated to administer and carry out this title (except section 174) ~~\$1,000,000,000~~~~400,000,000~~ for fiscal year 2009~~3~~ and such sums as may be necessary for each of the ~~105~~ succeeding fiscal years, of which—

~~(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and~~(2) not more than the lesser of 2 percent of such funds or \$1,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).

(b) REGIONAL EDUCATIONAL LABORATORIES. There are authorized to be appropriated to carry out section 174 \$100,000,000 for fiscal year 2009~~3~~ and such sums as may be necessary for each of the ~~105~~ succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

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

NOTE: IGNORE Title II, EXCEPT MOVE THE STATEWIDE LONGITUDINAL DATA SYSTEMS AUTHORITY TO THE STATISTICS CENTER

TITLE II – EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE. (20 USC 9501 note)

This title may be cited as the "Educational Technical Assistance Act of 2002".

SEC. 202. DEFINITIONS. (20 USC 9601)

In this title:

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

(2) SECRETARY. The term "Secretary" means the Secretary of Education.

SEC. 203. COMPREHENSIVE CENTERS. (20 USC 9602)

(a) AUTHORIZATION.

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

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

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

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

(b) ELIGIBLE APPLICANTS.

(1) IN GENERAL. Grants under this section may be made with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (f), including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of

1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)).

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

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

(c) APPLICATION.

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

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

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

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

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

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

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

(f) ACTIVITIES.

(1) IN GENERAL. A comprehensive center established under this section shall support dissemination and technical assistance activities by—

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

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

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

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

(II) English language acquisition; and

(III) education technology; and

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

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

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

(2) COORDINATION AND COLLABORATION. Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.

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

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

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

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

(C) on maintaining a high standard of quality in the performance of the center's activities; and

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

(3) COMPOSITION.

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

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

(II) Representatives of institutions of higher education.

(III) Parents.

(IV) Practicing educators, including classroom teachers, principals, and administrators.

(V) Representatives of business.

(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE. In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

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

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

(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS. (20 USC 9603)

The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education

Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS. (20 USC 9604)

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Consortia established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)), and the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), in accordance with the terms of such awards, until the comprehensive centers authorized under section 203 are established.

SEC. 206. REGIONAL ADVISORY COMMITTEES. (20 USC 9605)

(a) ESTABLISHMENT. Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) MEMBERSHIP.

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

(A) not exceed 25 members;

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

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) ELIGIBILITY. The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

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

(E) Representatives of business.

(F) Researchers.

(3) RECOMMENDATIONS. In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations

from, the chief executive officers of States, chief State school officers, and education stakeholders within the applicable region.

(4) SPECIAL RULE.

(A) TOTAL NUMBER. The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) DISSOLUTION. Each regional advisory committee shall be dissolved by the Secretary after submission of such committee's report described in subsection (c)(2) to the Secretary, but each such committee may be reconvened at the discretion of the Secretary.

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

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) REGIONAL ASSESSMENTS. Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the regional educational laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the [Academy Institute](#) of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 207. PRIORITIES. (20 USC 9606)

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking into account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS. (20 USC 9607) MOVE THIS TO TITLE I.

(a) GRANTS AUTHORIZED. The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately

manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), [the Higher Education Act](#), and [IDEA](#)*.

(b) APPLICATIONS. Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

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

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

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

(A) for States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), [the HEA](#), [IDEA](#), and other reporting requirements and close achievement gaps; and

(B) to facilitate research to improve student academic achievement and close achievement gaps; and

(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) SUPPLEMENT NOT SUPPLANT. Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

~~(e) REPORT. Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—~~

~~(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;~~

~~(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and~~

~~(3) identifying best practices and areas for improvement.~~

SEC. 209. AUTHORIZATION OF APPROPRIATIONS. (20 USC 9608)

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

* Expands the authority so that a broader range of educational records can be incorporated into the supported data systems.

TITLE III – NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE. (20 USC 9501 note)

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

SEC. 302. NATIONAL ASSESSMENT GOVERNING BOARD. (20 USC 9621)

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

(b) MEMBERSHIP.

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

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

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

(C) Two chief State school officers.

(D) One superintendent of a local educational agency.

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

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

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

(H) One representative of business or industry.

(I) Two curriculum specialists.

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

(K) One nonpublic school administrator or policymaker.

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

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

(N) Two additional members who are representatives of the general public, and who may be parents, but who are not employed by a local, State, or Federal educational agency.

(2) DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES. The Director of the Institute of Education Sciences shall serve as an ex officio, nonvoting member of the Assessment Board.

(3) BALANCE AND DIVERSITY. The Secretary and the Assessment Board shall ensure at all times that the membership of the Assessment Board reflects regional, racial, gender, and cultural balance and diversity and that the Assessment Board

exercises its independent judgment, free from inappropriate influences and special interests.

(c) TERMS.

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

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

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

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

(d) VACANCIES.

(1) IN GENERAL.

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

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

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

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

(e) DUTIES.

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

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

(B) develop appropriate student achievement levels as provided in section 303(e);

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

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

(E) design the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical experts who engage in large scale surveys;

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

(G) develop guidelines for reporting and disseminating results;

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

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

(J) plan and execute the initial public release [event](#)^{*} of National Assessment of Educational Progress reports.

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

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

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

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

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

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

(f) PERSONNEL.

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

* The existing language is ambiguous, with NCES believing that it covers the public release event whereas NAGB has asserted that it covers everything surrounding the release including the content and style of the NCES report. The new language makes it clear that it is the event itself that is NAGB's responsibility.

(2) STAFF.

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

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

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

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

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

(h) ADMINISTRATION. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Assessment Board, other than sections 10, 11, and 12 of such Act.

SEC. 303. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS. (20 USC 9622)

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

(b) PURPOSE; STATE ASSESSMENTS.

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

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

(A) use a random sampling process which is consistent with relevant, widely accepted professional assessment standards and that produces data that are representative on a national and regional basis;

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

(C) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in public and private schools in reading and mathematics in grade 12 in regularly scheduled intervals, but at least as often as such assessments were conducted prior to the date of enactment of the No Child Left Behind Act of 2001;

(D) to the extent time and resources allow, and after the requirements described in subparagraph (B) are implemented and the requirements described in subparagraph (C) are met, conduct additional national assessments and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in grades 4, 8, and 12 in public and private elementary schools and secondary schools in regularly scheduled intervals in additional subject matter, including writing, science, history, geography, civics, economics, foreign languages, and arts, and the trend assessment described in subparagraph (F);

(E) conduct the reading and mathematics assessments described in subparagraph (B) in the same year, and every other year thereafter, to provide for 1 year in which no such assessments are conducted in between each administration of such assessments;

(F) continue to conduct the trend assessment of academic achievement at ages 9, 13, and 17 for the purpose of maintaining data on long-term trends in reading and mathematics;

(G) include information on special groups, including, whenever feasible, information collected, cross tabulated, compared, and reported by race, ethnicity, socioeconomic status, gender, disability and limited English proficiency; and

(H) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis and that includes trend lines.

(I) [decide on the reporting content of initial and subsequent reports of all assessments so that such reports are valid and reliable.](#)*

(J) [release the findings from assessment reports at the release event that is executed under Sec. 302\(e\)\(1\)\(J\).](#)**

(3) STATE ASSESSMENTS.

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

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

* There are ongoing disputes between NCES and NAGB on the content and formatting of NAEP reports, e.g., how should the graph be formatted, how much statistical detail is necessary. These are IES/NCES reports published under the authority of the Director and the Commissioner. The NCES commissioner needs to retain responsibility for the content of the reports.

** NAGB has taken the position that the NCES commissioner's role at the release event is entirely at the discretion of NAGB. Because the findings being released are from an NCES statistical report, the commissioner or his delegate should be responsible for presenting the findings.

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

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

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

(B) AGREEMENT.

(i) IN GENERAL. States participating in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(3).

(ii) CONTENT. Such agreement shall contain information sufficient to give States full information about the process for decision-making (which shall include the consensus process used), on objectives to be tested, and the standards for random sampling, test administration, test security, data collection, validation, and reporting.

(C) REVIEW AND RELEASE.

(i) IN GENERAL. Except as provided in clause (ii), a participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(ii) SPECIAL RULE. A State participating in the biennial academic assessments of student achievement in reading and mathematics in grades 4 and 8 shall be deemed to have given its permission to release its data if the State has an approved plan under section 1111 of the Elementary and Secondary Education Act of 1965.

(4) PROHIBITED ACTIVITIES.

(A) IN GENERAL. The use of assessment items and data on any assessment authorized under this section by an agent or agents of the Federal Government to rank, compare, or otherwise evaluate individual students or teachers, or to provide rewards or sanctions for individual students, teachers, schools or local educational agencies is prohibited.

(B) SPECIAL RULE. Any assessment authorized under this section shall not be used by an agent or agents of the Federal Government to establish, require, or influence the standards, assessments, curriculum, including lesson plans, textbooks, or classroom materials, or instructional practices of States or local educational agencies.

(C) APPLICABILITY TO STUDENT EDUCATIONAL DECISIONS. Nothing in this section shall be construed to prescribe the use of any assessment authorized under this section for student promotion or graduation purposes.

(D) APPLICABILITY TO HOME SCHOOLS. Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home schooled

student be required to participate in any assessment referenced or authorized under this section.

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

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

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

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

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

(c) ACCESS.

(1) PUBLIC ACCESS.

(A) IN GENERAL. Except as provided in paragraph (3), parents and members of the public shall have access to all assessment data, questions, and complete and current assessment instruments of any assessment authorized under this section. The local educational agency shall make reasonable efforts to inform parents and members of the public about the access required under this paragraph.

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

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

(2) COMPLAINTS.

(A) IN GENERAL. Parents and members of the public may submit written complaints to the Assessment Board.

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

(C) REVIEW. The Assessment Board, in consultation with the Commissioner for Education Statistics, shall review such complaint and determine whether revisions are necessary and appropriate. As determined by such review, the Board shall revise, as necessary and appropriate, the procedures or assessment items that have generated the complaint and respond to the individual submitting

the complaint, with a copy of such response provided to the Secretary, describing any action taken, not later than 30 days after so acting.

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

(E) COGNITIVE QUESTIONS.

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

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

(3) PERSONALLY IDENTIFIABLE INFORMATION.

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

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

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

(d) PARTICIPATION.

(1) VOLUNTARY PARTICIPATION. Participation in any assessment authorized under this section shall be voluntary for students, schools, and local educational agencies.

(2) STUDENT PARTICIPATION. Parents of children selected to participate in any assessment authorized under this section shall be informed before the administration of any authorized assessment, that their child may be excused from participation for any reason, is not required to finish any authorized assessment, and is not required to answer any test question.

(3) STATE PARTICIPATION.

(A) VOLUNTARY. Participation in assessments authorized under this section, other than reading and mathematics in grades 4 and 8, shall be voluntary.

(B) AGREEMENT. For reading and mathematics assessments in grades 4 and 8, the Secretary shall enter into an agreement with any State carrying out an assessment for the State under this section. Each such agreement shall contain provisions designed to ensure that the State will participate in the assessment.

(4) REVIEW. Representatives of State educational agencies and local educational agencies or the chief State school officer shall have the right to review any assessment item or procedure of any authorized assessment upon request in a manner consistent with subsection (c), except the review described in subparagraph (2)(C) of subsection (c) shall take place in consultation with the representatives described in this paragraph.

(e) STUDENT ACHIEVEMENT LEVELS.

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

(2) DETERMINATION OF LEVELS.

(A) IN GENERAL. Such levels shall—

(i) be determined by—

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

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

[there is no clause (ii)]

(B) NATIONAL CONSENSUS APPROACH. After the determinations described in subparagraph (A), devising a national consensus approach. **[Subparagraph (B) is not a sentence; not clear what this is supposed to say or how it fits with the rest of paragraph (2).]**

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

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

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

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

(4) REVIEW. The Assessment Board shall provide for a review of any trial student achievement levels under development by representatives of State educational

agencies or the chief State school officer in a manner consistent with subsection (c), except the review described in paragraph (2)(C) of such subsection shall take place in consultation with the representatives described in this paragraph.

(f) REVIEW OF NATIONAL AND STATE ASSESSMENTS.

(1) REVIEW.

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

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

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

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

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

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

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

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

(3) USE OF FINDINGS AND RECOMMENDATIONS. The Commissioner for Education Statistics and the Assessment Board shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the Commissioner for Education Statistics carries out the National Assessment.

(g) COVERAGE AGREEMENTS.

(1) DEPARTMENT OF DEFENSE SCHOOLS. The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary schools and secondary schools operated by the Department of Defense.

(2) BUREAU OF INDIAN AFFAIRS SCHOOLS. The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

SEC. 304. DEFINITIONS. (20 USC 9623)

In this title:

- (1) The term "Director" means the Director of the Institute of Education Sciences.
- (2) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS. (20 USC 9624)

- (a) IN GENERAL. There are authorized to be appropriated—
 - (1) for fiscal year 2003—
 - (A) \$4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and
 - (B) \$107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress); and
 - (2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401 of this Act.
- (b) AVAILABILITY. Amounts made available under this section shall remain available until expended.

[END]