**Appendix A: Legislation and Notice Supporting CCD Collections**

For electronic copies of these documents, please use the following links:

1. ED Legislation
   http://www.ed.gov/policy/rschstat/leg/PL107-279.pdf
2. Federal Register Notice re: SPPE
   http://www.ed.gov/legislation/FedRegister/other/2004-1/022004e.html

H. R. 3801

# One Hundred Seventh Congress of the United States of America

**AT THE SECOND SESSION**

***Begun and held at the City of Washington on Wednesday, the twenty-third day of January, two thousand and two***

# 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,*

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# TITLE I—EDUCATION SCIENCES REFORM

**SEC. 101. SHORT TITLE.**

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

**SEC. 102. DEFINITIONS.**

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) SCIENTIFICALLY BASED RESEARCH STANDARDS.—(A) The term "scientifically based research standards" means research standards that—

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

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

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

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

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

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

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

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

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

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

(19) 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.

(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 fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

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

**SEC. 112. FUNCTIONS.**

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

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

(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) 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 Secretary may assign the Institute 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.

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

(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.

(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) SUBSEQUENT DIRECTORS.—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.

(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.

(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 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 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 comprehensive centers.

(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 ¼ 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 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 certify that evidence-based claims about those products and publications are scientifically valid.

**SEC. 115. PRIORITIES.**

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

(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.

(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.**

(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 approve procedures for technical and scientific peer review of the activities of the Institute.

(4) 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.

(5) 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.

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

(7) 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.

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

(9) 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.

(10) 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.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(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 National Academy of Sciences, the National Science Board, 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, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, 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) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(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 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.

(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.

(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.

(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 shall be open to the public.

(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—

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

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

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

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

(B) ex officio members of the Board; and

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

(3) DUTIES.—Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or

cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

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

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

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

(e) 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.**

(a) APPOINTMENT OF COMMISSIONERS.—

(1) IN GENERAL.—Except as provided in subsection (b), 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), each Commissioner shall—

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

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

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

(A) 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.

(c) 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.

(d) 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.**

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.**

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.**

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.**

(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.**

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.**

(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;

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

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

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

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

(5) 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) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.—

(1) SUPPORT.—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research

Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

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

(A) Adult literacy.

(B) Assessment, standards, and accountability research.

(C) Early childhood development and education.

(D) English language learners research.

(E) Improving low achieving schools.

(F) Innovation in education reform.

(G) State and local policy.

(H) Postsecondary education and training.

(I) Rural education.

(J) Teacher quality.

(K) Reading and literacy.

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

(4) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), 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).

(7) 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.**

(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.—

(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.

## PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

**SEC. 151. ESTABLISHMENT.**

(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.**

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.**

(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 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.**

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

(b) GATHERING INFORMATION.—

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

(2) SOURCE OF INFORMATION.—The Statistics Commissioner 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—

(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 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.

**SEC. 155. REPORTS.**

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

peer review, 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.**

(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.

(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.**

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.**

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.**

(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.**

(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 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.

(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.**

(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.

(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 authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

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

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

(4) OBJECTIVES AND INDICATORS.—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being

met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

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

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

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

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

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

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

(ii) English language acquisition;

(iii) education technology; and

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

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

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

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

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

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

agencies, librarians, and State educational agencies within the region;

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in 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—GENERAL PROVISIONS

### SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

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.

(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.**

(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, their families, and information with respect to individual schools, shall remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

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

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

**SEC. 185. PERFORMANCE MANAGEMENT.**

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

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

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

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

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

(5) Continuously improving management strategies and practices.

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

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

(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.

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

(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.**

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.**

(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;

(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 ⅕ 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.**

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.**

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.**

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.**

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

**SEC. 193. REMOVAL.**

(a) PRESIDENTIAL.—The Director, each member of the Board, and the Commissioner for Education Statistics may be removed by the President prior to the expiration of the term of each such appointee.

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

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

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

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

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

(b) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated to carry out section 174 $100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

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

# TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Educational Technical Assistance Act of 2002".

**SEC. 202. DEFINITIONS.**

In this title:

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

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

**SEC. 203. COMPREHENSIVE CENTERS.**

(a) AUTHORIZATION.—

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

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

(A) shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as

such provision existed on the day before the date of enactment of this Act); and

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

(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.**

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.**

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.**

(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 of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

**SEC. 207. PRIORITIES.**

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 onto 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.**

(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.).

(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.) 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.**

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.

# TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

**SEC. 301. SHORT TITLE.**

This title may be referred to as the "National Assessment of Educational Progress Authorization Act".

**SEC. 302. DEFINITIONS.**

In this title:

(1) The term "Director" means the Director of the Institute of Education Sciences.

(2) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

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

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

(1) for fiscal year 2003—

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

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

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

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

# TITLE IV—AMENDATORY PROVISIONS

**SEC. 401. REDESIGNATIONS.**

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

(1) by striking "center", "Center", and "Commissioner" each place any such term appears and inserting "Director";

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

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

"(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.";

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

(5) in paragraphs (3) and (7) of subsection (b), by striking "Center's" each place such term appears and inserting "Director's"; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act.

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

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

(1) in subsection (a)—

(A) by striking "referred to as the 'Board'" and inserting "referred to as the 'Assessment Board'"; and

(B) by inserting "(carried out under section 303)" after "for the National Assessment";

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

(3) by striking "Commissioner" each place such term appears and inserting "Commissioner for Education Statistics";

(4) in subsection (b)(2)—

(A) by striking "ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH" in the heading and inserting "DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES"; and

(B) by striking "Assistant Secretary for Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences";

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "section 411(b)" and inserting "section 303(b)";

(ii) in subparagraph (B), by striking "section 411(e)" and inserting "section 303(e)";

(iii) in subparagraph (E), by striking ", including the Advisory Council established under section 407";

(iv) in subparagraphs (F) and (I), by striking "section 411" each place such term appears and inserting "section 303";

(v) in subparagraph (H), by striking "and" after the semicolon;

(vi) in subparagraph (I), by striking the period at the end and inserting "; and"; and

(vii) by inserting at the end the following:

"(J) plan and execute the initial public release 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).";

(B) in paragraph (5), by striking "and the Advisory Council on Education Statistics"; and

(C) in paragraph (6), by striking "section 411(e)" and inserting "section 303(e)"; and

(6) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Commissioner for Education Statistics";

(2) by striking "National Assessment Governing Board" and "National Board" each place either such term appears and inserting "Assessment Board";

(3) in subsection (a)—

(A) by striking "section 412" and inserting "section 302"; and

(B) by striking "and with the technical assistance of the Advisory Council established under section 407,";

(4) in subsection (b)—

(A) in paragraph (1), by inserting "of" after "academic achievement and reporting";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "paragraphs (1)(B) and (1)(E)" and inserting "paragraphs (2)(B) and (2)(E)";

(ii) in clause (ii), by striking "paragraph (1)(C)" and inserting "paragraph (2)(C)"; and

(iii) in clause (iii), by striking "paragraph (1)(D)" and inserting "paragraph (2)(D)"; and

(C) in paragraph (5), by striking "(c)(2)" and inserting "(c)(3)";

(5) in subsection (c)(2)(D), by striking "subparagraph (B)" and inserting "subparagraph (C)";

(6) in subsection (e)(4), by striking "subparagraph (2)(C)" and inserting "paragraph (2)(C) of such subsection";

(7) in subsection (f)(1)(B)(iv), by striking "section 412(e)(4)" and inserting "section 302(e)(4)"; and

(8) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

(e) TABLE OF CONTENTS AMENDMENT.—The items relating to title III in the table of contents of this Act, as amended by section 401 of this Act, are amended to read as follows:

"TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

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

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

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

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

"(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.";

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

"INSTITUTE OF EDUCATION SCIENCES

"SEC. 208. There shall be in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act."; and

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

"Sec. 208. Institute of Education Sciences.".

**SEC. 403. REPEALS.**

The following provisions of law are repealed:

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

(2) Parts A through E and K through N of 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.).

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

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

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

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

"Commissioner, National Center for Education Statistics.".

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j(b)) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))" and inserting "section 153(a)(6) of the Education Sciences Reform Act of 2002".

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

(1) Section 1111(c)(2) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(2) Section 1112(b)(1)(F) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(3) Section 1117(a)(3) is amended—

(A) by inserting "(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994"; and

(B) by inserting "regional educational laboratories established under part E of the Education Sciences Reform

Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and" after "assistance from".

(4) Section 1501(a)(3) is amended by striking "section 411 of the National Education Statistics Act of 1994" and inserting "section 303 of the National Assessment of Educational Progress Authorization Act".

(5) The following provisions are each amended by striking "Office of Educational Research and Improvement" and inserting "Institute of Education Sciences":

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

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

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

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

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

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

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

(A) in subsection (a)(5), by striking "Assistant Secretary of the Office of Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences"; and

(B) in subsection (b)(2)(B), by striking "research institutes of the Office of Educational Research and Improvement" and inserting "National Education Centers of the Institute of Education Sciences".

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking "by the Office" and inserting "by the Institute".

(9) Section 9529(b) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994" and inserting "section 153(a)(5) of the Education Sciences Reform Act of 2002".

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting "(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994".

**SEC. 405. ORDERLY TRANSITION.**

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

**SEC. 406. IMPACT AID.**

(a) PAYMENTS FOR FEDERALLY CONNECTED CHILDREN.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(B)(2)(c)(i)(II)(bb)) is amended to read as follows:

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local educational agencies in the State in which the local educational agency is located; and".

(b) EFFECTIVE DATE.—The amendment made by section 406(a) shall be effective on September 30, 2001, and shall apply with respect to fiscal year 2001, and all subsequent fiscal years.

(c) BONESTEEL-FAIRFAX SCHOOL DISTRICT.—The Secretary of Education shall deem the local educational agency serving the Bonesteel-Fairfax school district, 26-5, in Bonesteel, South Dakota, as eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

(d) CENTRAL SCHOOL DISTRICT.—Notwithstanding any other provision of law, the Secretary of Education shall treat as timely filed an application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary has received such application not later than 30 days after the date of enactment of this Act.

*Speaker of the House of Representatives.*

*Vice President of the United States and President of the Senate.*

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(Catalog of Federal Domestic Assistance Number 84.350 Transition to Teaching)

**Program Authority:** 20 U.S.C. 4683 *et seq.*

Dated: February 13, 2004.

**Nina Shokraii Rees,**

*Deputy Under Secretary for Innovation and Improvement.*

[FR Doc. 04–3739 Filed 2–19–04; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Submission of Data by State Educational Agencies

**AGENCY:** National Center for Education Statistics, Institute of Education Sciences, Department of Education.

**ACTION:** Notice of dates of submission of State revenue and expenditure reports for fiscal year 2003 and of revisions to those reports.

**SUMMARY:** The Secretary of Education announces dates for the submission by State educational agencies (SEAs) of expenditure and revenue data and average daily attendance statistics on ED Form 2447 (the National Public Education Financial Survey) for fiscal year (FY) 2003. The Secretary sets these dates to ensure that data are available to serve as the basis for timely distribution of Federal funds. The U.S. Bureau of the Census is the data collection agent for the National Center for Education Statistics (NCES). The data will be published by NCES and will be used by the Secretary in the calculation of allocations for FY 2005 appropriated funds.

**DATES:** The date on which submissions will first be accepted is March 15, 2004. The mandatory deadline for the final submission of all data, including any revisions to previously submitted data, is September 7, 2004.

**ADDRESSES AND SUBMISSION INFORMATION:** SEAs may mail ED Form 2447 to: Bureau of the Census, ATTENTION: Governments Division, Washington, DC 20233–6800.

SEAs may submit data via the World Wide Web using the interactive survey form at *http://www.census.gov/govs/www/npefs.html.* If the Web form is used, it includes a digital confirmation page where a pin number may be entered. A successful entry of the pin number serves as a signature by the authorizing official. A certification form may also be printed from the Web site, and signed by the authorizing official and mailed to the Governments Division of the Bureau of the Census, at the address listed in the previous paragraph. This signed form must be mailed within five business days of web form data submission.

Alternatively, SEAs may hand deliver submissions by 4 p.m. (Eastern Time) to: Governments Division, Bureau of the Census, 8905 Presidential Parkway, Washington Plaza II, room 508, Upper Marlboro, MD 20772.

If an SEA's submission is received by the Bureau of the Census after September 7, 2004, in order for the submission to be accepted, the SEA must show one of the following as proof that the submission was mailed on or before the mandatory deadline date:

1. A legibly dated U.S. Postal Service postmark.
2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
3. A dated shipping label, invoice, or receipt from a commercial carrier.
4. Any other proof of mailing acceptable to the Secretary.

If the SEA mails ED Form 2447 through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

1. A private metered postmark.
2. A mail receipt that is not dated by the U.S. Postal Service.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an SEA should check with its local post office.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sharon J. Meade, Chief, Bureau of the Census, ATTENTION: Governments Division, Washington, DC 20233–6800. Telephone: (301) 763–7316. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to: Frank Johnson, National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, Washington, DC 20208–5651. Telephone: (202) 502–7362.

**SUPPLEMENTARY INFORMATION:** Under the authority of section 153(a)(1)(I) of the Education Sciences Reform Act of 2002 (P.L. 107–279), 20 U.S.C. 9543, which authorizes NCES to gather data on the financing of education, NCES collects data annually from SEAs through ED Form 2447. The report from SEAs includes attendance, revenue, and expenditure data from which NCES determines the average State per pupil expenditure (SPPE) for elementary and secondary education, as defined in the Elementary and Secondary Education Act of 1965, as amended (ESEA) (currently 20 U.S.C. 7801(2)).

In addition to utilizing the SPPE data as general information on the financing of elementary and secondary education, the Secretary uses these data directly in calculating allocations for certain formula grant programs, including Title I of the ESEA, Impact Aid, and Indian Education. Other programs such as the Educational Technology State Grants program (Title II, Part D), the Education for Homeless Children and Youth Program under Title VII of the McKinney-Vento Homeless Assistance Act, the Teacher Quality State Grants (Title II, Part A) Program, and the Safe and Drug-Free Schools and Communities (Title IV, Part A) Program make use of SPPE data indirectly because their formulas are based, in whole or in part, on State Title I allocations.

In January 2004, the Bureau of the Census, acting as the data collection agent for NCES, will mail to SEAs ED Form 2447 with instructions and request that SEAs submit data to the Bureau of the Census on March 15, 2004, or as soon as possible thereafter. SEAs are urged to submit accurate and complete data on March 15, or as soon as possible thereafter, to facilitate timely processing. Submissions by SEAs to the Bureau of the Census will be checked for accuracy and returned to each SEA for verification. All data, including any revisions, must be submitted to the Bureau of the Census by an SEA not later than September 7, 2004.

Having accurate and consistent information on time is critical to an efficient and fair allocation process and to the NCES statistical process. To ensure timely distribution of Federal education funds based on the best, most accurate data available, NCES

establishes, for allocation purposes, September 7, 2004, as the final date by which the NPEFS web form or ED Form 2447 must be submitted. However, if an SEA submits revised data after the final deadline that results in a lower SPPE figure, its allocations may be adjusted downward or the Department may request the SEA to return funds. SEAs should be aware that all of these data are subject to audit and that, if any inaccuracies are discovered in the audit process, the Department may seek recovery of overpayments for the applicable programs. If an SEA submits revised data after September 7, 2004, the data may also be too late to be included in the final NCES published dataset.

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**Authority:** 20 U.S.C. 9543.

Dated: February 13, 2004.

**Grover J. Whitehurst,**

*Director, Institute of Education Sciences.*

[FR Doc. 04–3740 Filed 2–19–04; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### National Energy Technology Laboratory; Notice of Availability of a Funding Opportunity Announcement

**AGENCY:** National Energy Technology Laboratory, Department of Energy (DOE).

**ACTION:** Notice of availability of a funding opportunity announcement.

**SUMMARY:** Notice is hereby given of the intent to issue funding opportunity announcement no. DE–PS26–04NT42092 entitled ''Solid State Lighting Core Technologies''. The Department of Energy (DOE), National Energy Technology Laboratory (NETL), on behalf of the Office of Energy Efficiency and Renewable Energy (EERE), announces that it intends to conduct a competitive funding opportunity announcement. DOE has set aggressive goals for solid state lighting (SSL) research and development: by 2015, to develop advanced solid state lighting technologies that, compared to conventional lighting technologies, are much more energy efficient, longer lasting, and cost-competitive. The SSL operational plan features two avenues: core technology research and product development. The core technology program will focus on breakthrough technologies that are typically longer-term in nature. These technology breakthrough projects will enable the product development organizations to continue their development process in parallel in order to advance the SSL technology and meet the goals of the program. Subject to approval of an exceptional circumstance determination pursuant to the Bayh-Dole Act, (covering inventions of small business, non-profit and educational institutions) core technology project recipients will be required to enter into good faith negotiations intended to lead to the licensing of inventions conceived or first actually reduced to practice under the project to product development organizations on a non-exclusive, royalty bearing basis for a defined field of use. In addition, DOE plans to competitively solicit a SSL Partnership composed of manufacturers and allies that broadly represent the industry. The partnership will, among other things, provide input and prioritization of the core technology needs.

The intent of this announcement is to solicit and receive applications for the core technology research area. This research will support multiple enabling or fundamental solid state lighting technology areas for general illumination applications. Applications should support the established mission of the 2003 Solid State Lighting Workshop (*http://www.netl.doe.gov/ssl/*) held in Washington, DC in November 2003. Applications will be subjected to a comprehensive technical review and awards will be made to a select number of applicants based upon the evaluation criteria, relevant program policy factors, and the availability of funds.

**DATES:** The funding opportunity announcement will be available on the ''Industry Interactive Procurement System'' (IIPS) Web page located at *http://e-center.doe.gov* on or about February 27, 2004. Applicants can obtain access to the funding opportunity announcement from the address above or through DOE/NETL's Web site at *http://www.netl.doe.gov/business.* Questions and comments regarding the content of the announcement should be submitted through the ''Submit Question'' feature of IIPS at *http://e-center.doe.gov.* Locate the announcement on IIPS and then click on the ''Submit Question'' button. You will receive an electronic notification that your question has been answered. Responses to questions may be viewed through the ''View Questions'' feature. If no questions have been answered, a statement to that effect will appear. You should periodically check ''View Questions'' for new questions and answers.

**FOR FURTHER INFORMATION CONTACT:** Sue Miltenberger, MS I07, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 880, 3610 Collins Ferry Road, Morgantown, WV 26507–0880. E-mail address: *Susan.Miltenberger@netl.doe.gov;* telephone number: (304) 285–4083.

**SUPPLEMENTARY INFORMATION:** It is anticipated that $6.0 million of Federal funding will be available for awards under this program. The anticipated funding would be available over multiple Federal fiscal years. Three to six awards are expected to be made in the fourth quarter of Fiscal Year 2004. Consistent with the recommendations and conclusions of the November 2003, Solid State Lighting Workshop, applications will be considered in the following areas: *Topic Area 1—Inorganic;* Subtopic (1a) High efficiency visible and near UV (>380nm) semiconductor materials for LED based on general illumination technology; Subtopic (1b) Advanced architecture and high power conversion efficiency emitters; Subtopic (1c) High temperature, efficient, long-life phosphors, luminescent materials for wavelength conversion and encapsulants; *Topic Area 2—Organic;* Subtopic (2a) High efficiency, low voltage, stable materials for OLED-based general illumination technology (hosts, dopants, and transport layers); Subtopic (2b) Strategies for improved light extraction and manipulation; and Subtopic (2c) Novel device structures for improved performance and low cost. Only research that is consistent with these needs and represents fundamental advancements in the price and performance relationship for solid state lighting for general illumination applications will be considered for award.

Once released, the funding opportunity announcement will be available for downloading from the IIPS

**Appendix B. Comparison of data from the 2001–02 Common Core of Data surveys**

| | | FTE teacher totals | | | Student membership totals | | |
|---|---|---|---|---|---|---|---|
| | | Level | | | | | |
| FIPST | State | School | Agency | State | School | Agency | State |
| 01 | Alabama | 45,905.0 | 46,075.1 | 46,796 | 726,205 | 726,991 | 737,294 |
| 02 | Alaska | 7,827.4 | 8,025.4 | 8,026 | 134,367 | 134,358 | 134,358 |
| 04 | Arizona | 45,753.7 | 46,081.2 | 46,015 | 922,180 | 922,180 | 922,180 |
| 05 | Arkansas | 32,507.0 | 33,079.0 | 33,079 | 449,805 | 449,805 | 449,805 |
| 06 | California | 292,821.8 | 298,178.7 | 304,296 | 6,147,375 | 6,147,375 | 6,248,610 |
| 08 | Colorado | 44,039.1 | 44,181.9 | 44,182 | 741,683 | 742,145 | 742,145 |
| 09 | Connecticut | 41,789.6 | 41,768.9 | 41,773 | 570,228 | 570,228 | 570,228 |
| 10 | Delaware | 7,390.8 | 7,570.6 | 7,571 | 115,494 | 115,563 | 115,555 |
| 11 | District of Columbia | 4,936.0 | 4,951.0 | 4,951 | 75,392 | 75,392 | 75,392 |
| 12 | Florida | 138,473.0 | 135,625.0 | 134,684 | 2,500,478 | 2,504,916 | 2,500,478 |
| 13 | Georgia | 90,963.5 | 92,732.6 | 92,732 | 1,470,634 | 1,470,634 | 1,470,634 |
| 15 | Hawaii | 10,936.8 | 11,006.7 | 11,007 | 184,546 | 184,546 | 184,546 |
| 16 | Idaho | 13,853.5 | 13,853.5 | 13,854 | 246,292 | 246,521 | 246,521 |
| 17 | Illinois | 125,566.7 | 129,599.8 | 129,600 | 2,071,391 | 2,071,391 | 2,071,391 |
| 18 | Indiana | 58,983.1 | 59,657.4 | 59,658 | 995,970 | 997,152 | 996,133 |
| 19 | Iowa | 36,281.6 | 34,906.0 | 34,906 | 485,932 | 485,932 | 485,932 |
| 20 | Kansas | 32,793.4 | 33,084.0 | 33,084 | 466,360 | 470,204 | 470,205 |
| 21 | Kentucky | 34,190.9 | 40,374.8 | 40,375 | 621,956 | 654,363 | 654,363 |
| 22 | Louisiana | 49,150.6 | 49,980.4 | 49,980 | 730,816 | 731,328 | 731,328 |
| 23 | Maine | 15,544.4 | 16,741.0 | 16,741 | 205,395 | 210,452 | 205,586 |
| 24 | Maryland | 53,427.8 | 53,773.9 | 53,774 | 860,640 | 860,640 | 860,640 |
| 25 | Massachusetts | — | 68,940.8 | 68,942 | 973,140 | 973,467 | 973,140 |
| 26 | Michigan | 97,538.2 | 98,697.9 | 98,849 | 1,720,266 | 1,730,668 | 1,730,668 |
| 27 | Minnesota | 51,865.1 | 53,082.8 | 53,081 | 851,384 | 851,384 | 851,384 |
| 28 | Mississippi | 31,126.6 | 31,213.1 | 31,213 | 493,509 | 493,507 | 493,507 |
| 29 | Missouri | 66,398.1 | 66,028.4 | 65,240 | 911,895 | 915,129 | 909,792 |
| 30 | Montana | 10,409.4 | 10,408.7 | 10,408 | 151,515 | 151,947 | 151,947 |
| 31 | Nebraska | 20,913.5 | 21,083.0 | 21,083 | 285,095 | 285,095 | 285,095 |
| 32 | Nevada | 18,207.2 | 19,275.5 | 19,276 | 357,420 | 356,814 | 356,814 |
| 33 | New Hampshire | 14,677.1 | 14,677.1 | 14,677 | 206,847 | 206,847 | 206,847 |
| 34 | New Jersey | 100,314.9 | 103,610.5 | 103,611 | 1,341,691 | 1,341,669 | 1,341,656 |
| 35 | New Mexico | 21,121.7 | 21,783.6 | 21,823 | 320,260 | 320,260 | 320,260 |
| 36 | New York | 193,153.6 | 209,094.0 | 209,128 | 2,870,415 | 2,872,132 | 2,872,132 |
| 37 | North Carolina | 88,123.0 | 85,683.8 | 85,684 | 1,315,363 | 1,315,363 | 1,315,363 |
| 38 | North Dakota | 8,035.2 | 8,035.2 | 8,035 | 106,047 | 106,047 | 106,047 |
| 39 | Ohio | 112,850.2 | 123,920.9 | 122,115 | 1,868,732 | 1,820,710 | 1,830,985 |
| 40 | Oklahoma | 40,954.3 | 41,631.6 | 41,632 | 622,139 | 622,140 | 622,139 |
| 41 | Oregon | 27,643.0 | 28,171.4 | 28,402 | 553,405 | 551,480 | 551,480 |
| 42 | Pennsylvania | 112,153.1 | 118,469.9 | 118,470 | 1,821,627 | 1,821,627 | 1,821,627 |
| 44 | Rhode Island | 11,103.3 | 11,103.3 | 11,103 | 158,046 | 158,046 | 158,046 |
| 45 | South Carolina | 45,897.8 | 46,605.9 | 46,616 | 673,079 | 674,165 | 691,078 |
| 46 | South Dakota | 9,316.5 | 9,370.3 | 9,370 | 127,907 | 127,512 | 127,542 |
| 47 | Tennessee | — | 58,357.7 | 58,357 | 897,702 | 897,702 | 925,030 |
| 48 | Texas | 281,948.4 | 282,854.1 | 282,846 | 4,163,447 | 4,163,447 | 4,163,447 |
| 49 | Utah | 22,020.7 | 22,326.5 | 22,211 | 480,915 | 480,915 | 484,677 |
| 50 | Vermont | 8,766.2 | 8,554.6 | 8,554 | 101,179 | 101,179 | 101,179 |
| 51 | Virginia | 85,862.9 | 86,570.2 | 89,314 | 1,163,091 | 1,163,091 | 1,163,091 |
| 53 | Washington | 51,573.5 | 52,535.0 | 52,534 | 1,009,200 | 1,009,200 | 1,009,200 |
| 54 | West Virginia | 19,699.4 | 20,138.8 | 20,139 | 282,875 | 282,885 | 282,885 |
| 55 | Wisconsin | 59,360.5 | 60,918.4 | 60,918 | 879,163 | 879,361 | 879,361 |
| 56 | Wyoming | 6,621.3 | 7,026.7 | 7,026 | 88,130 | 87,897 | 88,128 |
| 59 | Bureau of Indian Affairs | — | — | — | 46,476 | 46,476 | 46,476 |
| 58 | Department of Defense Overseas | 5,159.5 | 5,152.5 | 5,154 | 73,237 | 73,237 | 73,212 |
| 61 | Department of Defense Domestic | 2,479.4 | 2,486.5 | 2,486 | 32,847 | 32,847 | 32,847 |
| 60 | American Samoa | 914.0 | 914.0 | 914 | 15,897 | 15,897 | 15,897 |
| 66 | Guam | 1,919.0 | 1,918.0 | 1,918 | 31,993 | 31,992 | 31,992 |
| 69 | Northern Marianas | 519.4 | 519.0 | 519 | 10,479 | 10,479 | 10,479 |
| 72 | Puerto Rico | 42,882.0 | 42,906.0 | 42,906 | 604,177 | 604,177 | 604,177 |
| 78 | Virgin Islands | 1,231.0 | — | — | 18,780 | 18,780 | 18,780 |

— Data missing.

SOURCE: Data reported by states to U.S. Department of Education, National Center for Education Statistics, Common Core of Data "Public Elementary/Secondary School Universe Survey", 2001–02, version 1a, "Local Education Agency Universe Survey", 2001–02, version 1a, and "State Nonfiscal Survey", 2001–02, version 1a.

**Appendix C: Fiscal and Nonfiscal Coordinators, and EIAC Endorsement of Proposed Surveys**

For electronic copies of these documents, please use the following links:

1. CCD Coordinators: http://nces.ed.gov/ccd/contact.asp
2. EIAC Endorsement of CCD Surveys: http://www.ccsso.org/content/pdfs/EIACGenStatsReportFall03.pdf

| Fiscal State Coordinators' Contact Information | | | | |
|---|---|---|---|---|
| State | Name | Organization | Telephone | E-Mail |
| **AK** | Nora Janette Bakkala | Alaska Department of Education and Early Development | (907) 465-8685 | janette_bakkala@eed.state.ak.us |
| **AL** | Barry Kachelhofer | Alabama Department of Education | (334) 242-9914 | barryk@alsde.edu |
| **AR** | Kathleen Crain | Arkansas Department of Education | (501) 682-2887 | kcrain@arkedu.k12.ar.us |
| **AS** | Russell Aab | American Samoa Department of Education | (684) 633-5237 Ext. 0022 | russaab@doe.as |
| **AZ** | Lyle Friesen | Arizona Department of Education | (602) 542-4351 | lfriese@ade.az.gov |
| **CA** | Peggy O'Guin | California Department of Education | (916) 323-0765 | poguin@cde.ca.gov |
| **CO** | Vody Herrmann | Colorado Department of Education | (303) 866-6845 | herrmann_v@cde.state.co.us |
| **CT** | Brian Mahoney | Connecticut State Department of Education | (860) 713-6464 | brian.mahoney@po.state.ct.us |
| **DC** | Gloria Beville | District of Columbia Public Schools | (202) 442-5250 | gloria.beville@k12.dc.us |
| **DE** | Jerry Gallagher | Delaware Department of Education | (302) 739-4662 | ggallagher@doe.k12.de.us |
| **FL** | Linda Champion | Florida Department of Education | (850) 245-0405 | linda.champion@fldoe.org |
| **GA** | John Dunn | Georgia Department of Education | (404) 656-6754 | johndunn@doe.k12.ga.us |
| **GU** | Felix Calvo | Guam Department of Education | (671) 475-0237 | fcalvo@doe.edu.gu |
| **HI** | Lisa Hankins | Hawaii Department of Education | (808) 586-3368 | lisa_hankins@notes.k12.hi.us |
| **IA** | Leland Tack | Iowa Department of Education | (515) 281-5293 | lee.tack@iowa.gov |
| **ID** | Julie Oberle | Idaho Department of Education | (208) 332-6842 | joberle@sde.state.id.us |

| | | | | |
|---|---|---|---|---|
| **IL** | Deborah Vespa | Illinois State Board of Education | (217) 785-8779 | dvespa@isbe.net |
| **IN** | Gary Tatlock | Indiana Department of Education | (317) 232-0808 | gtatlock@doe.state.in.us |
| **KS** | Sara Barnes | Kansas Department of Education | (785) 296-4972 | sbarnes@ksbe.org |
| **KY** | Georgeann Burton | Kentucky Department of Education | (502) 564-3846 | gburton@kde.state.ky.us |
| **LA** | Elizabeth Scioneaux | Louisiana State Department of Education | (225) 342-4989 | beth.scioneaux@la.us |
| **MA** | Phyllis Rogers | Massachusetts Department of Education | (781) 338-6534 | progers@doe.mass.edu |
| **MD** | Sovaroun Ieng | Maryland Department of Education | (410) 767-0271 | rieng@msde.state.md.us |
| **ME** | Joanne Allen | Maine Department of Education | (207) 624-6790 | joanne.allen@maine.gov |
| **MI** | Glenda Rader | Michigan Department of Education | (517) 335-0524 | raderg@michigan.gov |
| **MN** | Debrah Fickus | Minnesota Department of Children, Families & Learning | (651) 582-8770 | deborah.fickus@state.mn.us |
| **MO** | Gerri Ogle | Missouri Department of Elementary & Secondary Education | (573) 751-2587 | gerri.ogle@dese.mo.gov |
| **MP** | Tim Thornburgh | CNMI Public School System | (670) 664-3790 | thornburght@pss.cnmi.mp |
| **MS** | Wanda Rutland | Mississippi Department of Education | (601) 359-3294 | wrutland@mde.k12.ms.us |
| **MT** | Jim Oberembt | Montana Office of Public Instruction | (406) 444-1257 | joberembt@state.mt.us |
| **NC** | Engin Konanc | North Carolina Department of Public Instruction | (919) 807-3754 | ekonanc@dpi.state.nc.us |
| **ND** | Girish Budhwar | North Dakota Department of Public Instruction | (701) 328-4886 | gbudhwar@state.nd.us |

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|---|---|---|---|---|
| **NE** | Russ Inbody | Nebraska Department of Education | (402) 471-4320 | rinbody@nde.state.ne.us |
| **NH** | Ronald Leclerc | New Hampshire Department of Education | (603) 271-3876 | rleclerc@ed.state.nh.us |
| **NJ** | Heather Leary | New Jersey Department of Education | (609) 984-4945 | heather.leary@doe.state.nj.us |
| **NM** | Steve Burell | New Mexico Department of Education | (505) 827-6537 | sburrell@ped.state.mn.us |
| **NV** | Douglas Thunder | Nevada Department of Education | (775) 687-9175 | dthunder@doe.nv.gov |
| **NY** | Elisabeth Egetemeyr | New York State Education Department | (518) 474-1367 | eegeteme@mail.nysed.gov |
| **OH** | Chuck Morris | Ohio Department of Education | (614) 752-8709 | chuck.morris@ode.state.ohio.us |
| **OK** | Lacricia Norman | Oklahoma State Department of Education | (405) 521-2517 | lu_norman@sde.state.ok.us |
| **OR** | Barbara Cruickshank | Oregon Department of Education | (503) 378-3600 Ext. 2652 | barbara.cruickshank@state.or.us |
| **PA** | Bonnie Kabonick | Pennsylvania Office of the Budget, Education Comptroller's Office | (717) 783-9000 | bkabonick@state.pa.us |
| **PR** | Wanda Acevedo Torres | Puerto Rico Department of Education | (787) 753-0531 | acevedo_w@de.gobierno.pr |
| **RI** | Michael Saunders | Rhode Island Department of Elementary/Secondary Education | (401) 222-4600 | ride9869@ride.ri.net |
| **SC** | Torina McGee | South Carolina Department of Education | (803) 734-8910 | tmcgee@sde.state.sc.us |
| **SD** | Karen Hasek | South Dakota Department of Education | (605) 773-5407 | karen.hasek@state.sd.us |
| **TN** | David Huss | Tennessee Department of Education | (615) 532-9510 | david.huss@state.tn.us |

| | | | | |
|---|---|---|---|---|
| **TX** | Melinda Fowler | Texas Education Agency | (512) 463-9704 | melinda.fowler@tea.state.tx.us |
| **UT** | Richard Tolley | Utah State Office of Education | (801) 538-7670 | trolley@schools.utah.gov |
| **VA** | Marcia Cotov | Virginia Department of Education | (804) 225-2025 | Marcy.Cotov@doe.virginia.gov |
| **VI** | Kemo Smith | Virgin Islands Department of Education | (340) 774-0100 Ext. 3083 | ksmith@sttj.k12.vi |
| **VT** | Vaughn Altemus | Vermont Department of Education | (802) 828-0472 | vaughnaltemus@education.state.vt.us |
| **WA** | Pamela Peppers | Washington State Superintendent of Public Instruction | (360) 725-6304 | ppeppers@ospi.wednet.edu |
| **WI** | Stephen Conlin | Wisconsin Department of Public Instruction | (608) 266-6947 | steve.conlin@dpi.state.wi.us |
| **WV** | Joseph Panetta | West Virginia Department of Education | (304) 558-6300 | jpanetta@access.k12.wv.us |
| **WY** | Wayne Milton | Wyoming Department of Education | (307) 777-3672 | wmilton@educ.state.wy.us |

**Non-Fiscal State Coordinators' Contact Information**

| State | Name | Organization | Telephone | E-Mail |
|---|---|---|---|---|
| **AK** | Erik McCormick | State of Alaska Department of Education | (907) 465-8686 | erik_mccormick@eed.state.ak.us |
| **AL** | Mark Dokas | Alabama State Department of Education | (334) 242-9724 | mdokas@alsde.edu |
| **AR** | Doris Stewart | Arkansas Department of Education | (501) 682-4475 | dstewart@arkedu.k12.ar.us |
| **AZ** | Gerald van Mourik | Arizona Department of Education | (602) 542-8241 | gvanmou@ade.az.gov |
| **CA** | Karl Scheff | California Department of Education | (916) 327-0192 | kscheff@cde.ca.gov |
| **CO** | Jan Rose Petro | Colorado Department of Education | (303) 866-6838 | petro_j@cde.state.co.us |
| **CT** | Richard Cloud | Connecticut Department of Education | (860) 713-6871 | richard.cloud@po.state.ct.us |
| **DC** | Linda Faison | DC Public Schools | (202) 442-5142 | linda.faison@k12.dc.us |
| **DE** | Pat Dunn | Delaware Department of Education | (302) 739-4583 | pdunn@doe.k12.de.us |
| **FL** | G. Lavan Dukes | Florida Department of Education | (850) 245-9917 | lavan.dukes@fldoe.org |
| **GA** | Levette Williams | Georgia Department of Education | (404) 463-6504 | lewillia@doe.k12.ga.us |
| **HI** | Clyde Igarashi | Hawaii Department of Education | (808) 692-7267 | clyde_igarashi@notes.k12.hi.us |

| | | | | |
|---|---|---|---|---|
| **IA** | Shawn Snyder | Iowa Department of Education | (515) 281-4837 | shawn.snyder@ed.state.ia.us |
| **ID** | Myrna Holgate | Idaho State Department of Education | (208) 332-6845 | mlholgat@sde.state.id.us |
| **IL** | Dennis Powell | Illinois State Board of Education | (217) 558-3652 | dpowell@isbe.net |
| **IN** | Gary Tatlock | Indiana Department of Education | (317) 232-0808 | gtatlock@.doe.state.in.us |
| **KS** | Sara Barnes | Kansas State Department of Education | (785) 296-4972 | sbarnes@ksde.org |
| **KY** | Karen Waugh | Kentucky Department of Education | (502) 564-5279 | kwaugh@kde.state.ky.us |
| **LA** | Steven Marangos | Louisiana Department of Education | (225) 342-2503 | steve.marangos@la.gov |
| **MA** | Paula Willis | Massachusetts Department of Education | (781) 338-3629 | PWillis@doe.mass.edu |
| **MD** | Linda Baker | Maryland State Department of Education | (410) 767-0033 | lbaker@msde.state.md.us |
| **ME** | Gilbert Whitmore | Maine Department of Education | (207) 624-6805 | gilbert.w.whitmore@maine.gov |
| **MI** | Carol Jones | Michigan Department of Education | (517) 335-6445 | JonesCE@michigan.gov |
| **MN** | Donna Jones | Minnesota Dept of Children Families & Learning | (651) 582-8533 | donna.jones@state.mn.us |

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|---|---|---|---|---|
| **MO** | Tom Ogle | Department of Elementary & Secondary Education | (573) 751-9060 | Tom.Ogle@dese.mo.gov |
| **MS** | M. Francie Gilmore-Dunn | Mississippi Department of Education | (601) 359-3487 | mgilmoredunn@mde.k12.ms.us |
| **MT** | Linda Atwood | Montana Department of Education | (406) 444-6712 | latwood@state.mt.us |
| **NE** | Pamela Tagart | Nebraska Department of Education | (402) 471-2367 | ptagart@nde.state.ne.us |
| **NH** | Ronald Leclerc | New Hampshire Department of Education | (603) 271-3876 | rleclerc@ed.state.nh.us |
| **NJ** | Faith Sarafin | New Jersey Department of Education | (609) 292-6037 | reportcard@doe.state.nj.us |
| **NM** | Henry Borgrink | New Mexico Department of Education | (505) 827-6526 | hborgrink@ped.state.nm.us |
| **NV** | Kim Vidoni | Nevada Department of Education | (775) 687-9131 | kvidoni@doe.nv.gov |
| **NY** | Charlene Swanson | New York State Department of Education | (518) 474-7965 | cswanson@mail.nysed.gov |
| **NC** | R. Engin Konanc | North Carolina Dept of Public Instruction | (919) 715-1609 | ekonanc@dpi.state.nc.us |
| **ND** | Steve Hiebert | North Dakota Department of Public Instruction | (701) 328-4886 | shiebert@state.nd.us |
| **OH** | Jim Daubenmire | Ohio Department of Education | (614) 466-0057 | jim.daubenmire@ode.state.oh.us |

| | | | | |
|---|---|---|---|---|
| **OK** | Dawn Williams | Oklahoma State Department of Education | (405) 521-3354 | dawn_williams @sde.state.ok.us |
| **OR** | Brian Reeder | Oregon Department of Education | (503) 378-5965 | brian.d.reeder@state.or.us |
| **PA** | Jerry Hottinger | Pennsylvania Department of Education | (717) 783-6755 | ghottinger@state.pa.us |
| **RI** | Kenneth Gu | Rhode Island Department of Education | (401) 222-4600 | kenneth.gu@ride.ri.gov |
| **SC** | Yvonne Gladman | South Carolina Department of Education | (803) 734-8106 | ygladman@sde.state.sc.us |
| **SD** | Susan Woodmansey | South Dakota Department of Education | (605) 773-4748 | Susan.Woodmansey@state.sd.us |
| **TN** | David Huss | Tennessee Department of Education | (615) 532-9510 | david.huss@state.tn.us |
| **TX** | Melinda Fowler | Texas Education Agency | (512) 463-5897 | mfowler@tea.state.tx.us |
| **UT** | Randy Raphael | Utah State Office of Education | (801) 538-7802 | rraphael@usoe.k12.ut.us |
| **VA** | Janet Christopher | Virginia Department of Education | (804) 786-1212 | Janet.Christopher@doe.virginia.gov |
| **VT** | Stacey Murdock | Vermont Department of Education | (802) 828-0473 | smurdock@doe.state.vt.us |
| **WA** | Gayle Hedensten | Office of Superintendent of Public Instruction | (360) 725-6376 | gayleh@ospi.wednet.edu |

| | | | | |
|---|---|---|---|---|
| **WI** | Barbara Ballweg | Wisconsin Department of Public Instruction | (608) 267-3166 | barbara.ballweg@dpi.state.wi.us |
| **WV** | Mike Cox | West Virginia Department of Education | (304) 558-8869 | jcox@access.k12.wv.us |
| **WY** | David Wilhelm | Wyoming Department of Education | (307) 777-8749 | dwilhe@educ.state.wy.us |
| **DD** | Carole Newman | Department of Defense Education Activity | (703) 588-3122 | cnewman@hq.dodea.edu |
| **AS** | Russell Aab | Department of Education | (684) 633-5237 | aabr@prel.hawaii.edu |
| **GU** | Nerissa Bretania-Shafer | Guam Department of Education | (671) 472-2241 | nshafer@guam.doe.edu.gu |
| **MP** | William Matson | CNMI Public School System | (670) 664-3790 | pss.fed@gtepacifica.net |
| **PR** | Jose Edgardo Sanchez | Puerto Rico Department of Education | (787) 754-1075 | Sanchez_E@DE.GOBIERNO.PR |
| **VI** | Hyacinth Walters | Virgin Islands Department of Education | (340) 774-0100 | hwalters@sttj.k12.vi |
| **BIA** | Dalton Henry | Bureau of Indian Affairs | (202) 208-5820 | dhenry@bia.edu |

# INFORMATIONAL REPORT

FALL 2003 EIAC MEETING
WASHINGTON, D.C.
OCTOBER 6 - 8, 2003

## GENERAL STATISTICS SUBCOMMITTEE

CO-CHAIR: JANET CHRISTOPHER
CO-CHAIR: MIKE COX

### AGENDA ITEM: Science and Math Indicators

ROLF BLANK, DOREEN LANGESEN FROM CCSSO

PRESENTATION SUMMARY: Rolf gave the committee copies of the latest published report (2001), a copy of the memo to be sent to the Chiefs explaining the purpose of the survey, the production schedule and the schedule of expected responses from each state. He said that an avenue for feedback on this report was available on the web. The indicators and format of the request have not changed, so no action was required

SUB-COMMITTEE COMMENTS: The committee asked if the trend data for all states could be made available. The web was mentioned as a possible way this request could be met. Also the committee asked if there were any plans to merge this data with PBDMI . The response was that PBDMI was a function of the US Department of Education and that no plans were being made to incorporate data from other sources,

SUB-COMMITTEE ACTION: Informational session only. No action taken.

### AGENDA ITEM: FRSS Update

LAURIE LEWIS FROM WESTAT

PRESENTATION SUMMARY: Three surveys previously review are either in the field or are about to be: "Internet Access in Public School, Fall 2003", " Dual Credit and Exam-Based Courses" and Distance Education Courses for Public Elementary and Secondary School Students: 2002-2003". Also Laurie gave the committee the status on nine FRSS and PEQIS surveys as of October 2003. No new surveys are being prepared at this time since the current contract is about to run out.

SUB-COMMITTEE COMMENTS: The committee asked why EIAC approval was no longer mentioned in the letters to the states, schools and districts when a survey was sent out. The committee requested that the EIAC reference be returned to at least the state letter.

SUB-COMMITTEE ACTION: Informational session only. No action taken.

## AGENDA ITEM: Review of CCD Changes

JOHN SIETSEMA, BETH YOUNG, LEE HOFFMAN FROM NCES

PRESENTATION SUMMARY:
Proposed changes to the Non-fiscal CCD for 2005-2007 OMB clearance requiring action:

1. Flag indicating a shared time school.
2. FTE teachers by racial/ethnic category and gender.
3. Response options increased to include planned schools, inactive schools and schools outside municipal boundaries.

In addition, three other changes were presented:

1. Modified definition of Vocational School
2. GED information will no longer be collected from the states.
3. Previous year data for closed schools and districts will be accepted for migrants, completers and dropouts.

The proposed changes to the fiscal CCD (NPEFS), require salaries paid to teachers to be reported by program codes for regular education, special education, vocational education and by other PK-12 programs. A cosmetic change was made to item "f" of section XII to change the wording so it will reflect the current law.

SUB-COMMITTEE COMMENTS: Please note that the changes to the CCD do not include a change to the current way of collecting racial/ethnic data.

SUB-COMMITTEE ACTION: Recommend approval of proposed changes.

## AGENDA ITEM: EDEN Supplemental Collection Tool

BARBARA TIMM, PETER MCCABE

PRESENTATION SUMMARY: OCR proposes to use PBDMI (EDEN) for bulk of their data requirements. Data not supplied through EDEN would be collected through the supplemental tool. OCR wants to have OMB give them the ability to craft the surveys without OMB clearance.

SUB-COMMITTEE COMMENTS: The committee would like to see and approve the data items that would be requested through this tool.

SUB-COMMITTEE ACTION: Informational session only. No action taken.

## AGENDA ITEM: Key State Policy Survey and Accountability Systems Profiles

ROLF BLANK, ABBY POTTS FROM CCSSO

PRESENTATION SUMMARY: The Key State Policy is a continuing activity. Rolf gave us copies of the latest publication (2002) and told us about the collection for 2004. CCSSO will email a draft copy of the questions to subcommittee members, if desired. Surveys will be sent out in January or February. The report will be published in the fall of 2004. CCSSO is open to changes in this survey and welcomes input about new categories and the deletions of categories that are no longer important.
Rolf also presented information about the website for State Accountability Profiles. These were distilled from the accountability plan workbooks submitted by the states for NCLB. The URL for the site is http://ccsso.doceus.com/results/index.cfm. The site is dynamic with states being

able to update the information by password access. There will be links to state sites especially NCLB report cards.

SUB-COMMITTEE COMMENTS: Tom Ogle suggested that the Chiefs should be polled about hot topics. Topics suggested included virtual schools, scholarship and graduation requirements and types of diplomas awarded.

SUB-COMMITTEE ACTION: Informational Session only – no action taken.

## AGENDA ITEM: PBDMI Guidance

BARBARA TIMM, JOHN NORRIS AND LINDA MERCHLINSKY FROM SAIC

PRESENTATION SUMMARY: Barbara Timm presented the requirements for the pilot collection for PBDMI . These included the necessity for real data, all of the directory data and the definition of a transmittal. The results from the pilot are to be presented at the February MIS Conference. Communication will be handled through "State Assigned Contacts".
Linda Merchlinsky presented a powerpoint mockup of the screens used for transmission and editing the data transmitted.

SUB-COMMITTEE COMMENTS: The committee requested that the screens be made available to the General Statistics Task Force for comments and recommendations.

SUB-COMMITTEE ACTION: Informational Session only – no action taken.

## AGENDA ITEM: S&P Data Collection Template

KIM SMITH, PAUL GIZZERO, JACKIE LANE

PRESENTATION SUMMARY: Representatives from S&P gave a broad overview of the School Information Partnership (SIP) and SES 50 (School Evaluation Services). The data would be retrieved from PBDMI and other sources such as the Census Bureau and the American Institute for Research. States would be asked for additional information. The states may decline this request. The data would be made available on the web in formats that were not demonstrated today.

SUB-COMMITTEE COMMENTS: Many committee members were concerned about misuse and misinterpretation of the data, confidentiality issues and unwarranted comparisons of schools, districts and states.

SUB-COMMITTEE ACTION: Informational Session only – no action taken.

## Appendix D: Fiscal and Nonfiscal CCD Glossaries

**Glossary**
**National Public Education Financial Survey, 2004–2005**

**Average Daily Attendance:** average resident attendance is defined by state law or regulations. In the absence of such laws and regulations, average daily attendance (ADA) should be the sum of the counts of resident students attending public school each day of the school year, divided by the number of days school was in session during the school year. Students who reside in one state and attend public school in another state should be counted in the state where they reside.

**CCD: the** Common Core of Data, the National Center for Education Statistics – the primary database on public elementary and secondary education in the United States. Data are collected annually from states' administrative records.

**Community services**: a functional category of expenditures (line item number 3300) for such services as swimming pools, day care centers, and programs for the elderly. Community services expenditures reported in this publication are funds for the use of these services by public education students. (Variable names: E81 and E82.)

**Current expenditures**: comprise the functional categories instruction (1000), support services (2000), and non-instructional services (3000). These are expenditures for the day-to-day operation of public elementary and secondary education, distinct from long-term expenditures and expenditures for other types of education. Property expenditures are excluded from current expenditure subtotals. (Subtotals STE1, STE2T, and STE3 sum to total TE5.)

**Debt service**: a sub-function (5100) within the expenditure function other uses (5000). It includes only long-term debt service (obligations exceeding one year). (Variable names: E7A1 and E7A2.)

**Direct program support**: expenditures made by state education agencies for, or on behalf of local education agencies. The majority of these expenditures are for teacher's retirement funds, the rest include expenditures for textbooks, busing, and special programs such as education for disabled students. Although states often report these expenditures in the appropriate function, these expenditures are sometimes lumped together under the heading direct program support, in which case NCES distributes them into function and object after consultation with state officials. Direct program support for public elementary and secondary education is reported as zero on the data file. (Variable names E4A1, E4A2, E4B1, E4B2, E4C1, E4C2, E4D, E4E1, E4E2, and subtotal STE4. NOTE: STE4 does not include E4A2, E4B2, E4C2, E4D, and E4E2.)

**Direct cost programs**: a category of expenditures for programs not part of public elementary and secondary education. These programs include community colleges, adult education and non-public school support. Variable names E9A, E9B, E9C, E9D, E91, and subtotal STE9. NOTE: STE9 does not include E91.)

**Employee benefits**: one of six expenditure objects (line item 200). It is for expenditures made in addition to gross salary that are not paid directly to employees. It includes amounts paid by, or

on behalf of, an LEA for fringe benefits such as group insurance, social security contributions, retirement contributions, tuition reimbursements, unemployment compensation, worker's

compensation, and other employee benefits (e.g., unused sick leave). Variable names: E12, E222, E223, E224, E225, E226, E227, E228, E3A2 and E3B2. Variables E222, E223, E224, E225, E226, E227, and E228 sum to TE22.)

**Enterprise operations**: a sub-function (3200) of the function non-instructional services (3000). Enterprise operations are activities that are financed, at least in part, by user charges, similar to a private business. These operations are sometimes subsidized by local education agencies. (Variable names: E3B11, E3B12, E3B13, E3B14, E3B2, E3B16, and subtotal E3B1. NOTE: E3B1 does not include E3B2.)

**Equipment**: an object subcategory (730) within the function facilities acquisition and construction services (4000), it includes the initial purchase of property items such as books for a newly constructed school or addition. Replacement equipment is labeled property, and is reported by function. (Variable name E63.)

**Facilities acquisition and construction services**: an expenditure function (4000) that includes the acquisition of land and buildings; building construction, remodeling, and additions; the initial installation or extension of service systems and other built-in equipment; and site improvement. (Variable names: E61, E62 and E63.)

**Federal revenues**: are reported in four categories: 1) unrestricted and restricted Grants-in-Aid direct from the federal government, 2) unrestricted and restricted Grants-in-Aid direct through the state, 3) Grants-in-Aid through other intermediate agencies, and 4) other federal revenues (including payments in lieu of taxes). (Variable names: R4A, R4B, R4C, R4D, and subtotal STR4.)

**Food services**: a sub-function (3100) of the function non-instructional services (3000). Food services are activities that provide food to students and staff in a school or LEA. These services include preparing and serving regular and incidental meals or snacks in connection with school activities as well as delivery of food to schools. (Variable names: E3A11, E3A12, E3A13, E3A14, E3A2, E3A16, and subtotal E3A1. NOTE: E3A1 does not include E3A2.)

**Function**: a category of expenditure, defining the activity supported by the service or commodity bought.

**General administration**: one of nine sub-functions (2300) within the expenditure function support services (2000). It includes expenditures for the board of education and administration of Local Education Agencies. (Variable names: E214, E224, E234, E244, E254, 264, and subtotal STE24. NOTE: STE24 does not include E254.)

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**Instruction**: activity between teachers and students. Instruction expenditures includes salaries and benefits for teachers and instructional aides, supplies, and purchased services such as instruction via television. Tuition expenditures to other LEAs are also included here. (Variables names: E11, E12, E13, E14, E15, E16, E17, E18, and subtotal STE1. (Variables E15 and E17 are not included in the subtotal.)

**Instructional staff support services**: one of nine sub-functions (2200) within the expenditure function support services (2000). It includes instructional staff training, educational media (library and audiovisual), and other instructional staff support services. (Variable names: E213, E223, E233, E243, E253, E263 and subtotal STE23. NOTE: STE23 does not include E253.)

**Intermediate sources of revenue**: are educational agencies with fund raising capabilities that operate between the state and local government levels. One example is New York's Board of Cooperative Educational Services (BOCES). (Variable name: R2.)

**LEA**: local education agency, also called school district or board of education.

**Local revenues**: funds produced within the boundaries of an LEA that are available for the use of the LEA. These revenues include money collected by other government units for use by the LEA. Local revenues include: property taxes, non-property taxes, parent government contributions, student fees, and other local sources. (Variables names: R1A, R1B, R1C, R1D, R1E, R1F, R1G, R1H, R1I, R1J, R1K, R1L, R1M, R1N, and subtotal STR1. Variables R1F and R1H are not included in the subtotal.)

**NPEFS**: the National Public Education Financial Survey, a component of the Common Core of Data (CCD) and the source of the data in this report.

**Object**: a category of expenditure, defining the service or commodity bought.

**Operations and maintenance**: one of nine sub-functions (2600) within the expenditure function support services (2000). It includes expenditures for the supervision of operations and maintenance, operation of buildings, the care and upkeep of grounds and equipment, vehicle operations (other than student transportation) and maintenance, and security. (Variable names: E216, E226, E236, E246, E256, E266, and subtotal STE26. NOTE: STE26 does not include E256.)

**Other support services:** combines three of nine sub-functions (2500, 2800, and 2900). It includes expenditures for business support services (activities concerned with the fiscal operation of the LEA), central support services (activities, other than general administration, which support each of the other instructional and supporting services programs; including planning, research, development, evaluation, information, and data processing services), and other support services expenditures not reported elsewhere. (Variable names: E218, E228, E238, E248, E258, E268, and subtotal STE28. NOTE: STE28 does not include E258.)

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**Pupils in membership**: the count of students on the current roll taken on the school day closest to October 1 by using either 1) the sum of original entries and reentries minus total withdrawals, or 2) the sum of the total present and the total absent.

**Purchased services**: one of six expenditure objects. It is for professional and technical services, and the renting of equipment. (Variable names: E13, E232, E233, E234, E235, E236, E237, E238, E3A13, and E3B13. Support services subtotal TE23 is the sum of E232, E233, E234, E235, E236, E237, and E238.)

**Property**: one of six expenditure objects (line item 700). Property includes expenditures for initial, additional, and replacement furniture and fixtures such as desks, file cabinets, computers, copying machines, printing equipment, and other equipment. Property expenditures are not included in current expenditure subtotals. (Variable names: E17, E252, E253, E254, E255, E256, E257, E258, E3A2, E3B2, E62, E63, E82, E91, and subtotal TE10. Property variables are excluded from all totals and subtotals on the file except for variables TE25, TE10 and TE11. Support services subtotal TE25 is the sum of: E252, E253, E254, E255, E256, E257, and E258.)

**Revenue**: revenues are categorized by source as follows: federal, state, intermediate government agencies, and local.

**Salaries**: one of six expenditure objects (line item 100). It includes the gross salaries of permanent and temporary staff on the payroll of LEAs including those substituting for permanent employees. Salaries for full- and part-time staff are included along with overtime and salaries for staff on sabbatical leave. Also included are supplemental amounts for additional duties such as coaching or supervising extracurricular activities, bus supervision, and summer school teaching. (Variable names: E11, E212, E213, E214, E215, E216, E217, E218, E3A11, and E3B11. Support services subtotal TE21 is the sum of: E212, E213, E214, E215, E216, E217, and E218.)

**School administration**: one of nine sub-functions (2400) within the expenditure function support services (2000). It includes expenditures for the office of the principal, full-time department chairpersons, and graduation expenses. (Variables names: E215, E225, E235, E245, E255, E265 and subtotal STE25. NOTE: STE25 does not include E255.)

**State revenues**: revenues received by the LEA from the state are reported in a single total. This total includes unrestricted grants-in-aid, restricted grants-in-aid, revenue in lieu of taxes, and payments for, or on behalf of, LEAs. (Variable name: R3.)

**Student support services**: one of nine sub-functions (2100) within the expenditure function support services (2000). It includes attendance and social work, guidance, health, psychological services, speech pathology, audiology, and other student support services. (Variables names:

E212, E222, E232, E242, E252, E262, and subtotal STE22. NOTE: STE22 does not include E252.)

**Student transportation**: one of nine sub-functions (2700) within the expenditure function support services (2000). It includes expenses for the supervision, vehicle operation, monitoring, and vehicle servicing and maintenance associated with student transportation services. (Variables names: E217, E227, E237, E247, E257, E267, and subtotal STE27. NOTE: STE27 does not include E257.)

**Supplies**: one of six expenditure objects (line item 600). Supplies are items that are consumed, worn out, or deteriorated through use, or items that lose their identity through fabrication or incorporation into different or more complex units or substances. These include expenditures for general supplies; paper and other materials required for printing and copying; and books, periodicals, and reference materials. (Variable names: E16, E242, E243, E244, E245, E246, E247, E248, E3A14, and E3B14. Support services subtotal TE24 is the sum of: E242, E243, E244, E245, E246, E247, and E248.)

**Support services**: an expenditure function (2000) divided into nine sub-functions: student support services (2100), instructional staff support (2200), general administration support services (2300), school administration support services (2400), operations and maintenance (2600), student transportation support services (2700), and other support services (2500, 2800, 2900). (Support Services subtotal STE2T is the sum of subtotals: STE22, STE23, STE24, STE25, STE26, STE27 and STE28. STE2T is also the sum of subtotals: TE21, TE22, TE23, TE24 and TE26.)

## Glossary
## Nonfiscal Common Core of Data 2004–2005

For CCD to have comparable data across states, all states must abide by the same standard definitions when reporting on schools, students, and staff. To ensure a common understanding, definitions for critical terms are presented below. The glossary contains definitions for all variables and terms found on the CCD school, agency, or state files. NB: Race and ethnicity definitions are in agreement with 1997 OMB directive. The CCD will follow 1997 definitions until informed that they can be changed.

**Alternative Education School:** A public elementary/secondary school that addresses needs of students which typically cannot be **met** in a regular school; provides nontraditional education; serves as an adjunct to a regular school; and falls outside of the categories of regular, special education, or vocational education.

**American Indian/Alaskan Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

**Asian/Pacific Islander:** A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, Vietnam, Guam, the Philippine Islands, Samoa, and other Pacific Islands.

**Black:** A person having origins in any of the black racial groups of Africa.

**Boundary Change:** See "Operational Status, Agency" for definition. Name of term was changed to "Operational Status, Agency," after 1997–98.

**Charter School:** A school providing free public elementary and/or secondary education to eligible students under a specific charter granted by the state legislature or other appropriate authority, and designated by such authority to be a charter school. Item was first collected in 1998–99.

**Classroom Teacher:** See "Teacher."

**Consolidated Statistical Area (CSA):** If an area that qualifies as a metropolitan area (MA) has more than one million people, two or more core-based metropolitan statistical areas (CBSAs) may be defined within it. Each CBSA consists of a large urbanized county or cluster of counties (cities and towns in New England) that demonstrate very strong internal economic and social links, in addition to close ties to other portions of the larger area. When CBSA's are established, the larger MA of which they are component

parts is designated a consolidated statistical area (CSA). CSAs and CBSA's are established only where local governments favor such designations for a large MA.

**Core Based Statistical Area (CBSA):** Each CBSA must contain at least one urban area of 10,000 or more population. Each metropolitan statistical area must have at least one urbanized area of 50,000 or more inhabitants. Each micropolitan statistical area must have at least one urban cluster of at least 10,000 but less than 50,000 population.

Under the standards, the county (or counties) in which at least 50 percent of the population resides within urban areas of 10,000 or more population, or that contain at least 5,000 people residing within a single urban area of 10,000 or more population, is identified as a "central county" (counties). Additional "outlying counties" are included in the CBSA if they meet specified requirements of commuting to or from the central counties. Counties or equivalent entities form the geographic "building blocks" for metropolitan and micropolitan statistical areas throughout the United States and Puerto Rico.

**Diploma, High School:** A formal document certifying the successful completion of a secondary school program prescribed by the state education agency or other appropriate body.

**Diploma Recipient:** A student who has received a diploma during the previous school year or subsequent summer school. This category includes regular diploma recipients and other diploma recipients.

**District Locale Code:** A code based upon the school locale codes to indicate the location of the district in relation to populous areas. (See also, "Large City," "Mid-size City," "Urban Fringe of Large City," "Urban Fringe of Mid-Size City," "Large Town," "Small Town," "Rural, outside CBSA," and "Rural, inside CBSA.")

**Dropout:** A student who was enrolled in school at some time during the previous school year; was not enrolled at the beginning of the current school year; has not graduated from high school or completed a state or district-approved educational program; and does not meet any of the following exclusionary conditions: has transferred to another public school district, private school, or state- or district-approved educational program; is temporarily absent due to suspension or school-approved illness; or has died. Item was first collected in 1992–93.

**Education Agency:** A government agency administratively responsible for providing public elementary and/or secondary instruction or educational support services.

**Elementary:** A general level of instruction classified by state and local practice as elementary, composed of any span of grades not above grade 8; preschool or kindergarten included only if it is an integral part of an elementary school or a regularly established school system.

**English Language Learner (ELL):** "English Language Learner (ELL)" was formerly referred to as "Limited English Proficient (LEP)." Students being served in appropriate programs of language assistance (e.g., English as a Second Language, High Intensity Language Training, bilingual education). Does not include pupils enrolled in a class to learn a language other than English. Also Limited-English-Proficient students are individuals who were not born in the United States or whose native language is a language other than English; or individuals who come from environments where a language other than English is dominant; or individuals who are American Indians and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency; and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language, to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society. Item was first collected in 1998–99.

**Federally-Operated Education Agency:** A federally-operated agency that is charged, at least in part, with providing elementary and/or secondary instruction or support services.

**Free Lunch Program:** A program under the National School Lunch Act that provides cash subsidies for free lunches to students based on family size and income criteria.

**Full-time Equivalency (FTE):** The amount of time required to perform an assignment stated as a proportion of a full-time position, and computed by dividing the amount of time employed by the time normally required for a full-time position.

**General Education Development (GED) Test:** A comprehensive test used primarily to appraise the educational development of students who have not completed their formal

high school education, and who may earn a high school equivalency certificate through achievement of satisfactory scores.

**Grade Span Offered:** The span of grades intended to be served by this school or agency, whether or not there are students currently enrolled in all grades. If a high school also has a prekindergarten program, the grade span of the high school is reported as a high school, not as a PK–12 school. For example, if a school has PK, 09, 10, 11, and 12 grades, the grade span will be reported as Grades 9 through 12 (0912). Also, the ungraded designation (UG) cannot be used in a grade span unless the whole school is ungraded students, and in this case the grade span is reported as UGUG. "Grade span" was calculated from school membership through 1997–98, and first collected as a separate item in 1998–99.

**Graduate, High School:** A high school graduate is defined as an individual who received a diploma recognizing the completion of secondary school requirements during the previous school year and subsequent summer school. It excludes high school equivalency and other high school completers (e.g., those granted a certificate of attendance).

**Guidance Counselor/Director:** Professional staff assigned specific duties and school time for any of the following activities in an elementary or secondary setting: counseling with students and parents; consulting with other staff members on learning problems; evaluating student abilities; assisting students in making educational and career choices; assisting students in personal and social development; providing referral assistance; and/or working with other staff members in planning and conducting guidance programs for students. The state applies its own standards in apportioning the aggregate of guidance counselors/ directors into the elementary and secondary level components.

**Head Start Program:** A federally funded program that provides comprehensive educational, social, health, and nutritional services to low-income preschool children and their families, and children from ages 3 to school entry age (i.e., the age of compulsory school attendance). Head Start students and teachers are reported on the CCD only when the program is administered by a local education agency.

**High School Completion Count:** A count of graduates and other high school completers including regular diploma recipients, other diploma recipients, and other high school completers. (The State Nonfiscal Survey also includes high school equivalency recipients in high school completion counts.)

**High School Equivalency Certificate:** A formal document certifying that an individual met the state requirements for high school graduation equivalency by obtaining satisfactory scores on an approved examination, and meeting other performance requirements (if any) set by a state education agency or other appropriate body.

**High School Equivalency Recipient:** Individual age 19 years or younger who received a high school equivalency certificate during the previous school year or subsequent summer. Item was last reported on the Local Education Agency Survey in 1990–91, but continues to be collected by the State Nonfiscal Survey.

**High School Graduate, Regular Day School:** A student who received a high school diploma during the previous school year or subsequent summer school; the diploma is based upon completion of high school requirements through traditional means. Term was last used in 1986–87. See, "Regular Diploma Recipient."

**High School Graduate, Other Programs:** A student who received a high school diploma, equivalency diploma, or other completion credential during the previous school year or subsequent summer school; the credential is based upon completion of other than the standard high school requirements or is achieved through nontraditional means. Term was last used in1986–87. See, "Other Diploma Recipient," "High School Equivalency Recipient," and "Other High School Completer."

**Hispanic:** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

**Individualized Educational Program (IEP):** A written instructional plan for students with disabilities designated as special education students under IDEA-Part B. The written instructional plan includes a statement of present levels of educational performance of a child; statement of annual goals, including short-term instructional objectives; statement of specific educational services to be provided and the extent to which the child will be able to participate in regular educational programs; the projected date for initiation and anticipated duration of services; the appropriate objectives, criteria and evaluation procedures; and the schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

**Instructional Aide:** Staff member assigned to assist a teacher with routine activities associated with teaching, i.e., activities requiring minor decisions regarding students, such as monitoring, conducting rote exercises, operating equipment and clerking. *Includes only paid staff, and excludes volunteer aides.*

**Instructional Coordinators and Supervisors:** Persons who supervise instructional programs at the school district or sub-district level; category includes educational television staff; coordinators and supervisors of audio-visual services; curriculum coordinators and in-service training staff; Title I coordinators and home economics supervisors; and staff engaged in the development of computer-assisted instruction. School-based department chairpersons are excluded.

**Kindergarten:** A group or class that is part of a public school program, and is taught during the year preceding first grade.

**Large City:** A principal city of a CSA or CBSA, with the city having a population greater than or equal to 250,000. (See also "Locale Code.") Prior to 1994–95, "Large City" was defined as a principal city of a metropolitan area with a population of 400,000 or more, or a population density of at least 6,000 people per square mile.

**Large Town:** An incorporated place or Census Designated Place (CDP) with a population greater than or equal to 25,000 and located outside a CBSA or CSA.

**Latitude:** Latitude is the north or south angular distance from the equator that when combined with longitude, reflects an estimation of where the school is physically situated on the street segment to which it was coded. Coordinate degrees, minutes, and seconds have been converted to and are displayed in terms of their decimal equivalent. The first 3 digits of the code represent the number of degrees from the equator; the last 6 digits represent the fraction of the next degree carried out to six decimal places, with an implied decimal. For example, if a school's latitude is 30 degrees, 30 minutes north then it is shown as 030500000.

**Local Education Agency (LEA) Administrative Support Staff:** All staff members who provide direct support to LEA administrators, business office support, and data processing.

**LEA Administrator:** Chief executive officer of the education agencies, including superintendents, deputies, and assistant superintendents; other persons with district-wide responsibilities: e.g., business managers, administrative assistants, and professional instructional support staff. *Exclude supervisors of instructional or student support staff.*

**Librarian:** As professional staff member or supervisor assigned specific duties and school time for professional library services activities. This includes selecting, acquiring, preparing, cataloguing, and circulating books and other printed materials; planning the

use of the library by students, teachers, and instructional staff; and guiding individuals in use of library books and material maintained separately or as a part of an instructional materials center.

**Library and Media Support Staff:** Staff member who renders other professional library and media services; also includes library aides and those involved in library/media support. Duties include selecting, preparing, caring for, and making available to instructional staff, equipment, films, filmstrips, transparencies, tapes, TV programs, and similar materials maintained separately or as part of an instructional materials center. Also included are activities in the audio-visual center, TV studio, related-work-study areas, and services provided by audio-visual personnel.

**Limited-English Proficient (LEP):** See "English Language Learner (ELL)."

**Locale Code:** Locale code is defined based on how the school is situated in a particular location relative to populous areas, based on the school's address. (See also, "Large City," "Mid-size City," "Urban Fringe of Large City," "Urban Fringe of Mid-Size City," "Large Town," "Small Town," "Rural, outside CBSA," and "Rural, inside CBSA.")

**Longitude:** Longitude is the east or west angular distance from the prime meridian that when combined with latitude, reflects an estimation of where the school is physically situated on the street segment to which it was coded. Coordinate degrees, minutes, and seconds have been converted to and are displayed in terms of their decimal equivalent. The first 3 digits of the code represent the number of degrees from the prime meridian; the last 6 digits represent the fraction of the next degree carried out to six decimal places, with an implied decimal. For example, if a school's longitude is 90 degrees, 15 minutes west then it is shown as –090250000.

**Magnet School or Program:** A special school or program designed to attract students of different racial/ethnic backgrounds for the purpose of reducing, preventing or eliminating racial isolation (50 percent or more minority enrollment); and/or to provide an academic or social focus on a particular theme (e.g., science/math, performing arts, gifted/talented, or foreign language). Item was first collected in 1998–99.

**Media Specialist:** Directors, coordinators, and supervisors of media centers. See "Library and Media Support Staff."

**Membership:** The count of students on the current roll taken on the school day closest to October 1, by using either: the sum of original entries and re-entries minus total withdrawals; or the sum of the total present and the total absent.

**Metropolitan Status (Metro Status):** Metro status is defined as the classification of an education agency's service area relative to an CBSA. (See also Metropolitan Statistical Area.)

**Metropolitan Areas (MA):** Term refers collectively to CSAs, CBSAs, and New England County Metropolitan Areas. The Office of Management and Budget (OMB) defines new MAs and revises definitions of existing MAs by applying published standards to decennial census data.

**Metropolitan Statistical Area (MSA):** An area consisting of one or more contiguous counties (cities and towns in New England) that contain a core area with a large population nucleus, as well as adjacent communities having a high degree of economic and social integration with that core.

**Mid-size City:** A central city of a CBSA or CSA, with the city having a population less than 250,000.. (See also "Locale Code.") Prior to 1994–95, term was defined as a central city of a metropolitan area with a population less than 400,000 and a population density less than 6,000 people per square mile.

**Migrant Student:** Defined under 34 CFR 200.40: 1) (a) Is younger than 22 (and has not graduated from high school or does not hold a high school equivalency certificate), but (b), if the child is too young to attend school-sponsored educational programs, is old enough to benefit from an organized instructional program; and 2) A migrant agricultural worker or a migrant fisher or has a parent, spouse, or guardian who is a migrant agricultural worker or a migrant fisher; and 3) Performs, or has a parent, spouse, or guardian who performs qualifying agricultural or fishing employment as a principal means of livelihood; and 4) Has moved within the preceding 36 months to obtain or to accompany or join a parent, spouse, or guardian to obtain, temporary or seasonal employment in agricultural or fishing work; and 5) Has moved from one school district to another; or in a state that is comprised of a single school district, has moved from one administrative area to another within such district; or resides in a school district of more

than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity. (Provision 5 currently applies only to Alaska.) Item was first collected in 1998–99.

**Officials and Administrators:** Chief executive officers of the education agencies, including superintendents, deputies, and assistant superintendents; and other persons with district-wide responsibilities, such as business managers, administrative assistants, etc.

**Operational Status, Agency:** Classification of changes in an education agency's boundaries or jurisdiction. Classifications include no change; closed with no effect on another agency's boundaries; new agency with no effect on another agency's boundaries; added; significant change in geographical boundaries or instructional responsibility; temporarily closed and may reopen within three years; scheduled to be operational within two years. Prior to 1998–99 the term "Boundary Change" was used.

**Operational Status, School:** Classification of the operational condition of a school. Classifications include currently operational; closed; new; added; changed agency; temporarily closed and may reopen within three years; scheduled to be operational within two years.

**Other Diploma Recipient:** A student who received a diploma through other than a regular school program during the previous school year or subsequent summer. Last reported in 1997–98; combined with "Regular Diploma Recipient" in 1998–99 with both categories reported as "Diploma Recipient. "

**Other High School Completer:** Student who has received a certificate of attendance or other certificate of completion in lieu of a diploma during the previous school year and subsequent summer school.

**Other Support Staff:** Staff who serve in a support capacity and who are not included in the categories of central office administrative support, library support, student support, or school administrative support; e.g., data processing staff, bus drivers, and health, building and equipment maintenance, security, and cafeteria workers.

**Prekindergarten Student:** Students who is enrolled in a group or class that is part of a public school program taught during the year or years preceding kindergarten, excluding Head Start students unless part of an authorized public education program of a local education agency.

**Prekindergarten Teacher:** Teacher of a group or class that is part of a public school program, and which is taught during the year or years preceding kindergarten; includes teachers of Head Start students if part of authorized public education program of an LEA.

**Principal City:** The largest city in each metropolitan or micropolitan statistical area is designated a "principal city." Additional cities qualify if specified requirements are met concerning population size and employment. The title of each metropolitan or micropolitan statistical area consists of the names of up to three of its principal cities and the name of each state into which the metropolitan or micropolitan statistical area extends. Titles of metropolitan divisions also typically are based on principal city names but in certain cases consist of county names. (See also "Locale Code.")

**Public School:** An institution that provides educational services and has one or more grade groups (PK–12), or which is ungraded; has one or more teachers to give instruction; is located in one or more buildings; has an assigned administrator; receives public funds as primary support; and is operated by an education agency.

**Reduced-Price Lunch Student:** A student who is eligible to participate in the Reduced-Price Lunch Program under the National School Lunch Act. (See also, "Free Lunch Eligible.")

**Regional Education Service Agency:** Agency providing services to a variety of local education agencies, or a county superintendent serving the same purposes.

**Regular Diploma Recipient:** See "High School Graduate, Regular Day School." Last reported in 1997–98; combined with "Other Diploma Recipient" in 1998–99 with both categories reported as "Diploma Recipient."

**Regular School:** A public elementary/secondary school that does not focus primarily on vocational, special, or alternative education.

**Rural:** Any incorporated place, Census designated place, or non-place territory not defined by the Census Bureau as an urbanized area or urban cluster. From 1998–99 onward, the category was separated into "Rural, Inside CBSA" and "Rural, Outside CBSA."

**Rural, inside CBSA:** Any incorporated place, Census designated place, or non-place territory within a CMSA or MSA and defined as rural by the Census Bureau. Category represents a subset of "Rural," and was introduced in 1998–99. (See also "Locale Code.")

**Rural, outside CBSA:** Any incorporated place, Census designated place, or non-place territory not within a CMSA or MSA and defined as rural by the Census Bureau. Category represents a subset of "Rural," and was introduced in 1998–99. (See also "Locale Code.")

**School Administrative Support Staff:** Staff whose activities are concerned with support of the teaching and administrative duties of the office of the principal or department chairpersons; this includes clerical staff and secretaries.

**School Administrator:** Staff member whose activities are concerned with directing and managing the operation of a particular school, including principals, assistant principals, other assistants; and those who supervise school operations, assign duties to staff members, supervise and maintain the records of the school, coordinate school instructional activities with those of the education agency, including department chairpersons.

**School District:** An educational agency or administrative unit that operates under a public board of education.

**Secondary:** The general level of instruction classified by state and local practice as secondary and composed of any span of grades beginning with the next grade following the elementary grades and ending with or below grade 12.

**Shared Time School:** A school offering vocational/technical education or other education services, in which some or all students are enrolled at a separate "home" school and attend the shared-time school on a part-day basis, e.g., a regional vocational center that enrolls (or serves) students from multiple home schools on a part-day basis.

**Small Town:** An incorporated place or Census Designated Place (CDP) with population less than 25,000 and greater than or equal to 2,500 and located outside a CBSA or CSA. (See also "Locale Code.")

**Special Education School:** A public elementary/secondary school that focuses primarily on special education; including instruction for any of the following: autism, deaf-blindness, developmental delay, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, visually impairment, and other health impairments; and which adapts curriculum, materials or instruction for students served.

**State Education Agency (SEA):** An agency of the state charged with primary responsibility for coordinating and supervising public instruction including setting of standards for elementary and secondary instructional programs.

**State-Operated Agency:** Agency that is charged, at least in part, with providing elementary and/or secondary instruction or support services. Examples include elementary/secondary programs operated by the state for the deaf or blind; and programs operated by state correctional facilities.

**Student:** An individual for whom instruction is provided in an elementary or secondary education program that is not an adult education program and is under the jurisdiction of a school, school system, or other education institution.

**Student Support Services Staff:** Staff member whose activities are concerned with the direct support of students; and who nurture, but do not instruct, students. Includes attendance officers; staff providing health, psychology, speech pathology, audiology, or social services; and supervisors of the preceding staff and of health, transportation, and food service workers.

**Supervisory Union:** An educational agency where administrative services are performed for more than one school district by a common superintendent.

**Teacher:** An individual who provides instruction to prekindergarten, kindergarten, grades 1 through 12, or ungraded classes; or individuals who teach in an environment other than a classroom setting; and who maintain daily student attendance records.

**Title I Eligible School:** A school designated under appropriate state and federal regulations as being eligible for participation in programs authorized by Title I of Public Law 103-382. Item was first collected in 1998–99.

**Title I School-wide Program:** A school in which all the pupils in a school are designated under appropriate state and federal regulations as being eligible for participation in programs authorized by Title I of Public Law 103-382. Item was first collected in 1998–99.

**Ungraded Student:** Individual assigned to class or program that does not have standard grade designations.

**Urban Fringe:** A closely settled area, contiguous to a principal city, outside a principal city; with a minimum population of 2,500 inhabitants; with a population density of at least 1,000 per square mile; and has a Census Urbanized Area Code. (See also "Locale Code.")

**Urban Fringe of a Large City:** Any incorporated place, Census designated place, or non-place territory within a CBSA or CSA of a "Large City" and defined as urban by the Census Bureau. Prior to 1994–95, defined as any incorporated place, Census designated place, or non-place territory within a CBSA or CSA and defined as urban by the Census Bureau, with a principal city with a population of 4000,000 or more or a population density of at least 6,000 people per square mile. (See also "Locale Code.")

**Urban Fringe of a Mid-size City:** Any incorporated place, Census Designated Place (CDP), or non-place territory within a CBSA or CSA of a Mid-size City and defined as urban by the Census Bureau. Prior to 1994–95, defined as any incorporated place, Census designated place, or non-place territory within a CBSA or CSA and defined as urban by the Census Bureau, with a principal city with a population less than 4000,000 or a population density less than 6,000 people per square mile. (See also "Locale Code.")

**Urbanized Area:** An area with a population concentration of at least 50,000; generally consisting of a principal city and the surrounding, closely settled, contiguous territory and with a population density of at least 1,000 inhabitants per square mile.

**Vocational Education School:** A school that focuses primarily on providing secondary students with an occupationally relevant or career-related curriculum, including formal preparation for vocational, technical, or professional occupations.

**White:** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

## Appendix E: State Reporting Dropout Instructions

## STATE REPORTING INSTRUCTIONS

These are the instructions for reporting dropouts for the National Center for Education Statistics on the Common Core of Data (CCD) survey. These instructions ensure that the reported dropout data are comparable across all states' school districts. The dropout count is reported at the school district level on the CCD Local Education Agency Universe Survey.

### I. Dropout Definition

The CCD dropout definition is based on a "snapshot" count of students at the beginning of the school year: A dropout is an individual who:

1. was enrolled in school at some time during the previous school year[1] and was not enrolled on October 1 of the current school year; or
2. was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
3. has not graduated from high school or completed a state- or district-approved educational program and
4. does not meet any of the following exclusionary conditions:
    - i. transfer to another public school district, private school, or state- or district-approved education program;
    - ii. temporary school-recognized absence due to suspension or illness, or
    - iii. death.

**For purposes of applying this dropout definition, the following definitions also apply:**

*A.* *School year* is the 12-month period beginning on October 1, 2001 and ending September 30, 2002. Thus, it includes the summer following the regular school year.

*B.* *School completer* is an individual who has graduated from high school or completed some other education program that is approved by the state or local education agency.

*C.* *State- or district-approved program* is one that leads to the receipt of formal recognition of completion from school authorities. It may include special education programs, home-based instruction, and programs administered by a secondary education agency (but not adult or postsecondary) leading to a GED-based diploma or some other certification differing from the regular diploma. Programs recognized as legitimate by the state are considered approved even if the public education system does not directly administer them; home schooling and charter schools may be examples of such programs.

*D.* *Transfer to another school or program* may be confirmed by a method selected by the state or school district. A transcript request, withdrawal notice signed by a parent that

[1] A student who was enrolled in September, 2001; dropped out of school in February, 2002; and was not enrolled in school on October 1, 2002 would be reported as a 2001-02 dropout (*previous* year) on the 2002-03 CCD (*current* year).

includes assurances the student will be enrolled elsewhere, and the like are acceptable. States are discouraged from accepting hearsay reports or unsubstantiated statements of intent from departing students.

*E.* *Race/ethnicity* of dropouts currently is reported using the pre-1997 standards set by the Office of Management and Budget. The categories approved for the CCD through the 2002–03 school year are American Indian/Alaska native; Asian/Pacific Islander; Hispanic; Black, not Hispanic; White, not Hispanic. Definitions are included in the CCD Instructions Manual.

*F.* *Gender* of dropouts is to be reported as male or female.

*G.* *Grade classifications*, grades 7 through 12, are used to report dropouts, not the student's age.

*H.* *Ungraded dropouts* should be allocated to the grade most appropriate for their age.

**II. Other Basic Guidelines**

The CCD reports an *event* dropout count – the number of students who leave school during a defined period of time, in this case, a calendar year. The dropout count is taken on October 1, 2001, or the school day closest to this date, in order to agree with the CCD membership count that is taken on the same day.

The defining decision is whether a student is a dropout on October 1, 2001. A student who missed much of the previous school year (2000–2001) but who is in membership on October 1, 2001 is not a dropout, while a student who is not in membership on October 1, 2001 but who returns later in that school year is a dropout (for the previous year, (2000–2001). CCD publications compute a dropout rate by dividing the number of dropouts for a year by the membership count taken at the beginning of that year.

**More guidelines:**

1. "*Summer dropouts*" are students who were not dropouts at the close of the previous school year (2000–2001) but who fail to enroll by October 1, 2001. Summer dropouts are reported as dropouts for the grade and school year for which they fail to report. For example, a student who completes the 10th grade in 2000–2001 but who is not re-enrolled on October 1, 2001 is reported as a 2001–02 dropout for 11th grade.

2. Students who enroll in adult education programs are counted as dropouts *unless the elementary/secondary school system remains responsible for the student.* The intent of this guideline is to ensure that students who do not complete a program but for whom the district no longer takes responsibility are counted as dropouts.

    i. Transferring to an alternative education setting, if it is part of the elementary/secondary education system, is not considered dropping out. For example, students enrolled in elementary/secondary education in prisons, hospitals, 'store front' locations or other nontraditional locations are not dropouts if the program is part of the elementary/secondary system. This means that a student who enrolls in a school-operated program for high-risk students *is not a dropout*, even if the program is preparing the student to take the GED examination.

    ii. A student who leaves an elementary/secondary school and enrolls in adult education *is a dropout*. The exception to this guideline is when the public school system monitors the student's enrollment and reports the student as a dropout if the student drops out of the adult program. An example of this would be a cooperative arrangement between a public school district and a local technical institute that provides GED preparation for students referred directly by the district. The district counts as dropouts the referred students who did not complete the GED study program.

    iii. Students who drop out during the 2000–2001 school year but who have obtained a completion credential, such as a GED-based diploma or certificate of completion, on October 1, 2001 are not reported as dropouts.

3. An early college admissions student, one who transfers to a postsecondary program leading to a baccalaureate or associate's degree, is not a dropout.

4. Students who fail to meet some graduation requirements, and who leave school without a diploma or other credential, are dropouts even if they have completed the 12th grade.

5. Students who leave the United States are not considered to be dropouts even if the school district cannot document the student's subsequent enrollment in school.

6. Students who drop out during the 2001–02 school year but are re-enrolled on October 1, 2002 are not reported as dropouts.

7. Students who drop out multiple times in a school year are reported only once for a single school year. However, students who drop out in more than one year are reported as dropouts for each year in which they are not in membership on October 1.

8. Underage dropouts, those who leave school when they are still too young to do so legally, should be reported on the CCD if they drop out of any of grades 7 through 12. These dropouts should be reported even if the state or district considers them "truants" rather than dropouts.

**Summary of School Leaver Status**

| | A Student Who: | Dropout? |
|---|---|---|
| 1. | Graduated or received some other recognized credential, such as a certificate of attendance or GED | No |
| 2. | Only attended summer school in this school district (was not enrolled during the regular school year) | No |
| 3. | Left school without a diploma or other certification after passing the age up to which the district was required to provide a free, public education | Yes |
| 4. | Died | No |
| 5. | Is gone; status is unknown | Yes |
| 6. | Moved to another district in this or some other state, not known to be in school | Yes |
| 7. | Moved out of the United States, enrollment status not known | No |
| 8. | Transferred, enrolled in: | |
| | Another public school, a private school, or charter school | No |
| | Home schooling | No |
| | Early college (baccalaureate or associate's program) | No |
| 9. | Is in an institution that is not primarily academic (military, possibly Job Corps, corrections, etc.) | |
| | Offers a secondary education program | No |
| | Does not offer a secondary education program | Yes |

10. Is not in school, but known to be:

| | |
|---|---|
| Planning to enroll late (e.g., extended family vacation, seasonal work) | No |
| Ill, verified as legitimate | No |
| Ill, not verified as legitimate | Yes |
| Suffering long-term illness and not receiving education services (residential drug treatment, severe physical or mental illness) | No |
| Suspended or expelled, term of suspension or expulsion not yet over | No |
| Suspended or expelled, term of suspension or expulsion over | Yes |
| Expelled, no option to return | Yes |
| Expelled, enrolled in another school and/or district | No |

11. In a nontraditional education setting, such as hospital/homebound instruction, residential special education, correctional institution, community or technical college:

| | |
|---|---|
| Program administered by agency considered a special school district or extension of regular school district | No |
| Program is off-campus offering of regular school district | No |
| Program classified as Adult Education not approved, administered, or tracked by regular district | Yes |