

(Pub. L. 107-279, title I, §102, Nov. 5, 2002, 116 Stat. 1941.)

REFERENCES IN TEXT

The Head Start Act, referred to in par. (17)(B), is subchapter B (§§ 635-657) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, as amended, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of this Title 42 and Tables.

SHORT TITLE

Pub. L. 107-279, title I, §101, Nov. 5, 2002, 116 Stat. 1941, provided that: "This title [enacting this subchapter] may be cited as the 'Education Sciences Reform Act of 2002'."

Pub. L. 107-279, title II, §201, Nov. 5, 2002, 116 Stat. 1975, provided that: "This title [enacting subchapter II of this chapter] may be cited as the 'Educational Technical Assistance Act of 2002'."

Pub. L. 107-279, title III, §301, Nov. 5, 2002, 116 Stat. 1982, provided that: "This title [enacting subchapter III of this chapter] may be referred to as the 'National Assessment of Educational Progress Authorization Act'."

ORDERLY TRANSITION

Pub. L. 107-279, title IV, §405, Nov. 5, 2002, 116 Stat. 1986, provided that: "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 [enacting this chapter and section 3419 of this title, amending sections 1232j, 3412, 3461, 6194, 6311, 6312, 6317, 6491, 6932, 7013, 7253c, 7283b, 7283d, 7451, 7703, 7909, 9007, 9010, 9011, 9573, 9623, and 9624 of this title and section 5315 of Title 5, Government Organization and Employees, transferring sections 9010 and 9011 of this title to sections 9622 and 9621 of this title, respectively, repealing sections 3419, 6011, 6021, 6031, 6041, 6051, 6053 to 6053e, 6054 to 6054b, 6055 to 6055h, 6056, 6056a, 9001 to 9009, and 9012 of this title, enacting provisions set out as notes under this section and section 7703 of this title, and repealing provisions set out as notes under sections 1221e and 9001 of this title], 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.)."

PART A—THE INSTITUTE OF EDUCATION SCIENCES

§ 9511. Establishment

(a) Establishment

There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 9514 of this title) and, to the extent set forth in section 9516 of this title, 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 and special education;

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

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

(2) Carrying out mission

In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated 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 9514 of this title).

- (2) The National Board for Education Sciences (as described in section 9516 of this title).

- (3) The National Education Centers, which include—

- (A) the National Center for Education Research (as described in part B of this subchapter);

- (B) the National Center for Education Statistics (as described in part C of this subchapter);

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

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

(Pub. L. 107-279, title I, §111, Nov. 5, 2002, 116 Stat. 1944; Pub. L. 108-446, title II, §201(b)(2)(A), (B), Dec. 3, 2004, 118 Stat. 2802.)

AMENDMENTS

2004—Subsec. (b)(1)(A). Pub. L. 108-446, §201(b)(2)(A), inserted "and special education" after "early childhood education".

Subsec. (c)(3)(D). Pub. L. 108-446, §201(b)(2)(B), added subpar. (D).

§ 9512. Functions

From funds appropriated under section 9584 of this title, 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.

(Pub. L. 107-279, title I, §112, Nov. 5, 2002, 116 Stat. 1945.)

§ 9513. Delegation

(a) Delegation of authority

Notwithstanding section 3472 of this title, the Secretary shall delegate to the Director all functions for carrying out this subchapter (other than administrative and support functions), except that—

(1) nothing in this subchapter or in subchapter III of this chapter (except section 9621(e)(1)(J) of this title) 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 9621(e)(1)(E) of this title) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before November 5, 2002;

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

(3) section 9621(f)(1) of this title shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 9515 and 9516 of this title shall not apply to the National Assessment of Educational Progress; and

(5) sections 9515 and 9516 of this title 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 9516 of this title, and the Institute's mission, as described in section 9511(b) of this title; or

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

(Pub. L. 107-279, title I, §113, Nov. 5, 2002, 116 Stat. 1945.)

REFERENCES IN TEXT

The National Education Statistics Act of 1994, referred to in subsec. (a)(1), is title IV of Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 4029, as amended, which was classified generally to chapter 71 (§9001 et seq.) of this title, prior to repeal by Pub. L. 107-279, title IV, §403(1), Nov. 5, 2002, 116 Stat. 1985. Provisions relating to education statistics are now contained in part C (§9541 et seq.) of this subchapter.

This Act, referred to in subsec. (a)(3), means Pub. L. 107-279, Nov. 5, 2002, 116 Stat. 1940, which enacted this chapter and section 3419 of this title, amended sections 1232j, 3412, 3461, 6194, 6311, 6312, 6317, 6491, 6932, 7013, 7253c, 7283b, 7283d, 7451, 7703, 7909, 9007, 9010, 9011, 9573, 9623, and 9624 of this title and section 5315 of Title 5, Government Organization and Employees, transferred sections 9010 and 9011 of this title to sections 9621 and 9622 of this title, respectively, repealed sections 3419, 6011, 6021, 6031, 6041, 6051, 6053 to 6053e, 6054 to 6054b, 6055 to 6055h, 6056, 6056a, 9001 to 9009, and 9012 of this title, enacted provisions set out as notes under section 7703 and 9501 of this title, and repealed provisions set out as notes under sections 1221e and 9001 of this title. For complete classification of this Act to the Code, see Tables.

§ 9514. Office of the Director

(a) Appointment

Except as provided in subsection (b)(2) of this section, 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 November 5, 2002) 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) of this section, 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 9515(a) of this title.