

(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, 7013, 7451, 7703, 7909, 9007, 9010, 9011, 9573, 9623, and 9624 and former sections 6317, 6491, 6932, 7253c, 7283b, and 7283d 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), 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), 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.

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

(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 9516(b)(3) of this title.

(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 9573 of this title, section 552a of title 5, and sections 1232g and 1232h of this title.

(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 subchapter. 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.

(Pub. L. 107-279, title I, § 114, Nov. 5, 2002, 116 Stat. 1946.)

## REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (c), is set out in section 5313 of Title 5, Government Organization and Employees.

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 9515. 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 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

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