

such parts existed on the day before November 5, 2002), referred to in text, mean parts K and M of title IX of Pub. L. 103–227, which were classified to parts G (§6053 et seq.) and I (§6055 et seq.), respectively, of subchapter IX of chapter 68 of this title, prior to repeal by Pub. L. 107–279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985.

Section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before January 8, 2002), referred to in text, is section 3141 of title III of Pub. L. 89–10, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3649, which was classified to section 6861 of this title prior to the general amendment of title III of Pub. L. 89–10 by Pub. L. 107–110, title III, §301, Jan. 8, 2002, 115 Stat. 1689.

### § 9605. Regional advisory committees

#### (a) Establishment

Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 9564(b) of this title.

#### (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 9564 of this title and section 9602 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 Institute of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

(Pub. L. 107–279, title II, §206, Nov. 5, 2002, 116 Stat. 1979; Pub. L. 108–446, title II, §203, Dec. 3, 2004, 118 Stat. 2803.)

#### AMENDMENTS

2004—Subsec. (d)(3). Pub. L. 108–446 substituted “Institute” for “Academy”.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 9606. Priorities

The Secretary shall establish priorities for the regional educational laboratories (established under section 9564 of this title) and comprehensive centers (established under section 9602 of this title) to address, taking into account the regional assessments conducted under section 9605 of this title and other relevant regional sur-

veys of educational needs, to the extent the Secretary deems appropriate.

(Pub. L. 107-279, title II, §207, Nov. 5, 2002, 116 Stat. 1981.)

**§ 9607. 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 9573 of this title;

(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 9543(a)(5) of this title.

**(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 November 5, 2002, and again 3 years after such date, 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 9573 of this title; and

(3) identifying best practices and areas for improvement.

(Pub. L. 107-279, title II, §208, Nov. 5, 2002, 116 Stat. 1981.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsecs. (a), (c)(2)(A), and (e)(2), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended, which is classified generally to chapter 70 (§6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

**§ 9608. Authorization of appropriations**

There are authorized to be appropriated to carry out this subchapter \$80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(Pub. L. 107-279, title II, §209, Nov. 5, 2002, 116 Stat. 1982.)

SUBCHAPTER III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

**§ 9621. National Assessment Governing Board**

**(a) Establishment**

There is established the National Assessment Governing Board (hereafter in this subchapter referred to as the “Assessment Board”), which shall formulate policy guidelines for the National Assessment (carried out under section 9622 of this title).

**(b) Membership**

**(1) Appointment and composition**

The Assessment Board shall be appointed by the Secretary and be composed as follows:

(A) Two Governors, or former Governors, who shall not be members of the same political party.

(B) Two State legislators, who shall not be members of the same political party.

(C) Two chief State school officers.

(D) One superintendent of a local educational agency.

(E) One member of a State board of education.

(F) One member of a local board of education.

(G) Three classroom teachers representing the grade levels at which the National Assessment is conducted.

(H) One representative of business or industry.

(I) Two curriculum specialists.

(J) Three testing and measurement experts, who shall have training and experience in the field of testing and measurement.

(K) One nonpublic school administrator or policymaker.

(L) Two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal.

(M) Two parents who are not employed by a local, State or Federal educational agency.

(N) Two additional members who are representatives of the general public, and who may be parents, but who are not employed