



Section-by-Section **Advancing Research in Education Act of 2023**

Sponsored by HELP Chairman Bernie Sanders (I-VT) and Ranking Member Bill Cassidy (R-LA)

Section 1. Short Title – Cited as the “Advancing Research in Education Act of 2023.”

Section 2. Table of Contents

Section 3. Short Title, Table of Contents for Public Law

TITLE I—Education Sciences Reform

Section 101. References

Section 102. Redesignations—Makes conforming edits to current law.

Section 103. Definitions – Amends Section 102 of current law to incorporate new definitions and amend existing definitions.

Part A—The Institute of Education Sciences

Section 111. Establishment – Amends Section 111 of current law to modernize the mission of the Institute of Education Sciences (IES).

Section 112. Functions – Amends Section 112 of current law to update the functions of IES and require IES to conduct research, education evaluation, and statistics activities; support collaboration between researchers and practitioners; promote the use and application of education research, and increase the participation of historically underrepresented researchers and institutions, including Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and other Minority-Serving Institutions (MSIs).

Section 113. Office of the Director – Amends Section 114 of current law to authorize the Director of IES to continue to serve up to 1 additional year if a successor has not been named by the expiration date of their term. Establishes additional qualification requirements for the Director. Requires the Director to ensure all of IES’ work is high-quality, timely, and free of partisan political influence or bias.

Section 114. Priorities – Amends Section 115 of current law to require the Director to seek public comment and engage with practitioners, education system leaders, policymakers, and relevant Congressional committees regarding research topics and priorities. Requires the Director to propose priorities to National Board for Education Sciences (NBES) at least every six years on research topics and for the Director to seek public comment on such priorities. Requires the NBES to approve or disapprove the proposed priorities with a majority vote of quorum within 90 days, to the extent possible.

Section 115. Plans; Education Researcher Pipeline – Establishes timelines and procedures for required plans and reports developed by each Commissioner, which the Director compiles and submits to relevant Congressional committees. Re-designates requirements from Section 189 of current law to support the education researcher pipeline.

Section 116. National Board for Education Sciences – Amends Section 116 of current law to require the Secretary to, not later than 1 year after enactment, appoint nine qualified individuals to NBES. Extends the term of each Board member from 4 years to 6 years, and restarts staggered appointed terms for members appointed after enactment of AREA. Requires NBES to advise the Director on research, evaluation, statistics, development, dissemination, and evidence use activities; ensure responsiveness to educational challenges and timeliness for technical assistance and scientific peer-review; and evaluate IES activities.

Section 117. Commissioners of the National Education Centers – Amends Section 117 of current law to require the Director to appoint the Commissioner for Education Statistics. Requires the Director to supervise and ensure each Commissioner carries out their duties in a timely manner that promotes high-quality, easily accessible, and actionable information.

Section 118. Agreements – Amends Section 118 of current law to authorize IES to carry out research or statistical data projects with other Federal agencies, consistent with applicable privacy and confidentiality laws and requirements.

Section 119. Director Biennial Report – Amends Section 119 of current law to require the Director to publish and share a biennial report with the President, NBES, and relevant Congressional committees. This report must include descriptions of the research, evaluation, statistics, , evidence use and dissemination activities carried out by IES and efforts to increase the participation of historically underrepresented researchers and institutions.

Section 120. Transparency – Requires the Director to develop and maintain a database of IES' funded work, including information on the individuals or entities funded, the amount of funding provided, activities supported, topic of research, and methodology used.

Part B—National Center for Education Research

Section 131. Establishment – Amends Section 131 of current law to align the mission of the National Center for Education Research (NCER) with the mission of IES.

Section 132. Commissioner for Education Research – Amends Section 132 of current law to ensure that the Commissioner of Education Research (Research Commissioner) has expertise in scientifically valid research.

Section 133. Duties – Amends Section 133 of current law to require the Research Commissioner to conduct not less than two separate application periods per year (to the greatest extent practicable), provide applicants with technical assistance, support collaborative and scientifically valid research processes and scientifically valid research, and ensure timely publication and dissemination of data.

Authorizes a Research-Practice Partnership Grant program to promote mutually beneficial and ongoing collaboration between researchers, practitioners, and education system leaders.

Authorizes a new State Capacity Research & Development Grant program to build state capacity to conduct research, development, and evaluation. Prioritizes applicants who propose to address research questions developed by educators.

Expands the topics of research supported by the National Research & Development Centers to include educational technology, including artificial intelligence; school leader quality; infants, toddlers, children, and youth with disabilities; and student well-being, including mental health. To the extent feasible, requires NCER’s research to be made public in an easily accessible and user-friendly manner, while protecting personally identifiable information.

Section 134. Standards for Conduct and Evaluation of Research – Amends Section 134 of current law to require NCER’s research data to be available in public, restricted-use, and easily accessible formats for further analyses, reproducibility studies, and replication of research. Requires the Director to ensure the peer-review system uses high-quality and timely procedures and is conducted with fair review processes to ensure that applications and products are evaluated on their merit.

Part C—National Center for Education Statistics

Section 141. Establishment – Redesignates and amends Section 151 of current law to modernize the mission of the National Center for Education Statistics (NCES).

Section 142. Commissioner for Education Statistics – Redesignates and amends Section 152 of current law to require the Commissioner for Education Statistics (Statistics Commissioner) to have substantial knowledge of statistical methods; activities undertaken by NCES; and Federal privacy and data confidentiality laws, guidance, and regulations; and be designated as the statistical official in accordance with the Evidence Act.

Section 143. Duties – Redesignates and amends Section 153 of current law to streamline and modernize data elements NCES collects, reports, analyzes, and disseminates.

Requires the Statistics Commissioner to collect, analyze, cross-tabulate, and report data, where available and in a manner that does not reveal personally identifiable information; collect and compile data from annual State and local report cards required under the Elementary and Secondary Education Act (ESEA); and help schools, organizations, and institutions in promoting the privacy, security, and confidentiality of student data.

Requires the Statistics Commissioner to provide State public agencies technical assistance to improve statewide longitudinal data systems (SLDS) and protect student confidentiality and privacy.

Charges the Statistics Commissioner with developing a valid and accurate alternative student data poverty measure in collaboration with the Census Bureau. Requires the Director, in consultation with the Statistics Commissioner and the Director of the Census Bureau, to submit a report on progress made to develop a such measure to relevant Congressional committees.

Requires the Statistics Commissioner to submit a statistics plan that specifies the activities of NCES and its plan to continuously improve aspects of statistical operations, usability and cost-effectiveness of data collection, processing, and dissemination; and improve the efficiency, timeliness, relevance, usage, and impact of NCES' statistics, and products.

Section 144. Performance of Duties – Redesignates and amends Section 154 of current law to require recipients of grants, contracts, or cooperative agreements to submit data management plans. Enhances coordination with the Department of Education on data collection.

Section 145. Reports – Redesignates and amends Section 155 of current law to require NCES' activities be high-quality; subject to rigorous peer-review; produced in a timely fashion, relevant, useful, and free of partisan political influence and bias. Requires that the Statistics Commissioner publicly report statistical data as quickly as possible, and at least within two years of collection. If that deadline is not met, the Director must issue a notice in the Federal Register that describes the reason for the delay and a plan to report some or all data as soon as possible. Authorizes expedited surveys (such as the Pulse Survey) on emerging and time-sensitive education topics.

Section 146. Dissemination – Redesignates and amends Section 156 of current law to support dissemination. Requires any joint statistical projects or other authorized statistical purposes to adhere to student confidentiality requirements under Section 173.

Section 147. Cooperative Education Statistics Partnerships – Redesignates and amends Section 157 of current law to clarify cooperative education statistics partnerships are voluntary, should support interoperability, and to prohibit such partnerships from creating a national student data system.

Section 148. Statewide Longitudinal Data Systems – Redesignates and amends Section 208 of current law to reauthorize the SLDS program and expand program eligibility, authorize planning grants, and encourage individual-level data linkages from early childhood through postsecondary education, the workforce, labor market outcomes, and other data sources. Requires that SLDS protect and improve individual data privacy and data security. Requires the Secretary to use a peer-review process to evaluate applications and establishes application requirements and eligible uses of funds.

Requires the Secretary of Health and Human Services, in coordination with the Statistics Commissioner, to develop guidance for eligible agencies in Section 149 to integrate Head Start Act and other early childhood data into SLDS. Requires the Statistics Commissioner to develop guidance related to using SLDS data to report on concurrent or dual enrollment.

Section 149. Data Innovation Grants - Creates a new section.

Authorizes new data innovation grants to support public agencies in managing, analyzing, and using data to inform decision-making and improve educational opportunities and outcomes.

Part D—National Center for Education Evaluation and Evidence Use

NOTE: The bill strikes and replaces Part D with the following text; the citations below are to each section of current law amended by the bill, as applicable.

Section 151. National Center for Education Evaluation and Evidence Use. – Redesignates and amends Section 171 of current law to rename the National Center for Educational Evaluation and Regional Assistance, the “National Center for Education Evaluation and Evidence Use” (NCEE) and modernize NCEE’s mission.

Section 152. Commissioner for Education Evaluation and Evidence Use – Redesignates and amends Section 172 of current law to establish additional appointment criteria for the Commissioner for Education Evaluation and Evidence Use (Evaluation and Evidence Use Commissioner.) Designates the Evaluation and Evidence Use Commissioner to serve as the Department of Education’s evaluation officer, in accordance with the Evidence Act.

Section 153. Duties – Expands the duties of the Evaluation and Evidence Use Commissioner to include managing the What Works Clearinghouse (WWC) and increasing the evidence bases of research across IES. Requires the Evaluation and Evidence Use Commissioner to develop and submit an evaluation and evidence use plan, manage the WWC with practitioner engagement, coordinate between RELs and comprehensive centers (CCs), and use objective and measurable performance indicators.

Section 154. Evaluations – Redesignates and amends Section 173 of current law to authorize NCEE to conduct evaluations of programs administered by the Department of Education, rather

than just ESEA programs. Requires each evaluation conducted by such Center be subject to high-quality, timely, and rigorous peer-review.

Section 155. What Works Clearinghouse

Codifies the WWC to promote evidence-based practices designed for practitioners, education system leaders, and policymakers, such as NCEE’s practice guides. Requires RELs to disseminate WWC activities. Creates a new National Education Research Database within WWC to publicly store and disseminate scientifically valid research, statistics, and evaluations reviewed by NCEE. In conducting reviews for the National Education Research Database, requires the Evaluation and Evidence Use Commissioner to describe the type of scientific evidence and explain the appropriate and inappropriate uses of the findings.

Section 156. Evidence Use Activities

Requires NCEE to develop resources or train practitioners and education system leaders in identifying, selecting, implementing, and adapting evidence-based practices in heterogeneous local educational contexts, such as through the RELs, the WWC, or partnerships with public agencies or private entities. Redesignates the requirements related to the National Library of Education from Section 176 of current law to this section.

Section 157. Regional Education Laboratories for Research, Development, Dissemination, and Evidence Use – Redesignates and amends Section 174 of current law related to the RELs.

Establishes coordination requirements for RELs and CCs nationally and within each geographic region. Aligns technical review standards for RELs’ applied research activities, evidence-based reports, and products. Requires the Evaluation and Evidence Use Commissioner ensure products from RELs are peer-reviewed before such information is made public. Requires RELs to support at least one research-practice partnership and to identify successful educational programs to be shared with other RELs for evaluation, replication, and scaling. Exempts RELs from the Paperwork Reduction Act in carrying out voluntary data collection during the conduct of research.

Part E—National Center for Special Education Research

Section 161. Establishment – Redesignates and amends Section 175 of current law to modernize the mission of the National Center for Special Education Research (NCSER).

Section 162. Commissioner for Special Education Research – Redesignates and amends Section 176 of current law to require the Commissioner for Special Education Research’s (Special Education Research Commissioner) to have expertise in scientifically valid research and the education of students with disabilities.

Section 163. Duties – Redesignates and amends Section 177 of current law to align the duties of the Special Education Research Commissioner with the duties of the Research Commissioner.

Requires the Special Education Research Commissioner to propose a special education research plan to the Director. Expands NCSER’s research activities.

Authorizes new research-practice partnerships grants, and requires 2 separate application periods for grants, to the greatest extent practicable.

Requires the Special Education Research Commissioner to synthesize and disseminate the findings and results of NCSER’s research through NCEE and IDEA’s activities, parent training, and information centers.

Section 164. Standards for Conduct and Evaluation of Research – Redesignates and amends Section 177 of current law to modernize peer-review standards.

Part F—General Provisions

Section 171. Repeals and Redesignation. – Redesignates provisions in this Part.

Section 172. Interagency Data Sources and Formats – Redesignates and amends Section 181 of current law to require the Director to facilitate public access to research products supported under Title I, consistent with Federal law for privacy, intellectual property, and security. Requires award recipients to develop and submit a data management plan, including how the recipient shall archive and preserve access to data, software, and code. Supports researchers and students in developing and reviewing high-quality data management plans and ensures IES staff and peer-review panels receive training to conduct such reviews of grant competitions under Title I.

Section 173. Prohibitions – Redesignates and amends Section 182 of current law to replace the term “individually identifiable information” with “personally identifiable information” to align with the Family Education Rights and Privacy Act (FERPA).

Section 174. Confidentiality – Redesignates and amends Section 183 of current law to require that any disclosed information collected or supported by IES does not include personally identifiable information. Aligns terms with FERPA.

Section 175. Availability of Data – Redesignates and amends Section 184 of current law to modernize dissemination terms.

Section 176. Performance Management – Redesignates and amends Section 185 of current law to require the Director to establish a performance monitoring system of IES’ activities using measurable performance indicators and to ensure that IES’ statistics and information are high-quality, easily accessible, and actionable.

Section 177. Vacancies – Redesignates and amends Section 187 to strike unnecessary language shifted to section 116.

Section 178. Scientific or Technical Employees – Redesignates and amends Section 188 of current law to encourage IES to hire experts in privacy, security of personally identifiable information, and cybersecurity. Permits the Director to appoint practitioners, researchers, and other technical and professional personnel on leave of absence from academic, industrial, or research institutions for a limited term or temporary basis to work for IES.

Section 179. Authorization of Appropriations – Redesignates and amends Section 194 of current law to authorize such sums as may be necessary to carry out Title I for fiscal year 2024 and each of the five succeeding fiscal years, of which, for each fiscal year to be not less than the amount provided to NCES for fiscal year 2023 shall be provided to NCES; and not more than the lesser of 2 percent of such funds or \$2,000,000 shall be made available to carry out the Board.

Authorizes such sums as may be necessary for fiscal year 2024 and each of the five succeeding fiscal years for program administration. Authorizes such sums as may be necessary for fiscal year 2024 and such sums as may be necessary for each of the five succeeding fiscal years for the RELs and strikes allocation language. Restricts the availability of amounts under this section for a fiscal year are to two succeeding fiscal years instead of until expended, under current law.

Section 180. Conforming Amendments – Amends the General Education Provisions Act, ESEA, and the Individuals with Disabilities in Education Act to align with AREA’s amendments.

TITLE II—Educational Technical Assistance

NOTE: Section 201 of AREA strikes and replaces Title II of current law with the following text. Each section, as drafted, is summarized below.

Section 201. Short title

Section 202. Definitions – Incorporates new definitions and amends current law definitions.

Section 203. Coordination of Technical Assistance – Requires the Secretary to provide effective TA on laws carried out by the Department of Education, support evidence use, and coordinate TA activities across the Department of Education to minimize duplication and support the effective implementation of IDEA, Perkins, HEA, FERPA, and other relevant Federal education laws.

Section 204. Coordination Between Comprehensive Centers and Regional Educational Laboratories – Requires the Secretary, in consultation with the Evaluation and Evidence Use Commissioner, to ensure regional comprehensive centers (CCs) and regional educational laboratories (RELs) coordinate to minimize duplication and increase client satisfaction. Requires regional CCs and RELs to identify challenges facing students and practitioners to inform the

work of Focus Centers authorized under section 208. Requires that awards made to regional CCs are consistent with the contract lengths awarded to RELs.

Section 205. Priorities – Requires the Secretary to establish priorities for the RELs and CCs, considering input from regional governing board. Strikes outdated language in Section 207 of current law.

Section 206. Governing Board – Establishes Governing Board requirements. Requires each regional CC and REL that serve the same region to have a shared regional governing board and includes parameters for the composition of the board. Requires the national CC to also have a governing board that guides and directs the work of such center.

Section 207. Comprehensive Centers – Reduces the number of awards made under the CC program from not less than 20 awards to 11 awards – 10 for regional CCs and 1 national CC. Requires the Secretary to carry out outreach activities in conducting future competitions and to ensure the effectiveness of applicants. Requires applicants to meaningfully engage with entities located in the region to inform the application and to submit an assurance they will submit State service plans to the Secretary on an ongoing basis. Streamlines CCs’ activities to provide high-quality, high-impact TA and capacity-building supports.

Section 208. Focus Centers – Authorizes the Secretary to award up to 3 grants to establish and operate Focus Centers (FC) on educational topics identified by the Secretary, in consultation with the Director, that address educational challenges of shared importance and urgency and that may be addressed through the mobilization of a robust evidence bases of research. Before establishing any competition, the Secretary must first engage with regional governing boards to identify topics.

Section 209. Evaluations – Requires results of completed CC evaluation requirements be publicly available. Evaluations are required to address the extent to which: TA was high-quality and-high impact, responsive to the needs of clients in the region, and improved implementation of laws; capacity-building services were responsive to educational challenges; and whether such centers effectively coordinated with RELs and other federally funded TA centers. Each CC and FC is required to be evaluated by an independent evaluator.

Section 210. Authorization of Appropriations – Authorizes such sums as may be necessary to carry out this title for fiscal year 2024 and for each of the five succeeding fiscal years.

TITLE III—National Assessment of Educational Progress (NAEP)

Section 301. References – Establishes any amendments in this Title are to the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.).

Section 302. National Assessment Governing Board – Amends Section 302 of current law to strike an outdated conforming provision. Codifies the National Assessment Governing Board’s (NAGB) existing role in establishing the assessment schedule for future NAEP assessments, in consultation with the Statistics Commissioner. Requires the Statistics Commissioner to report

budget information to NAGB related to NAGB and NAEP's activities, including information related to the assessment schedule's feasibility.

Section 303. National Assessment of Educational Progress – Amends Section 303 of current law to adjust NAEP's biennial reading and mathematics assessments by delaying the 2026 administration to 2027. Aligns current law with the ESEA requirement that States participate in NAEP's biennial reading and mathematics assessments as a condition of receiving Title I-A funds. Removes the trial basis for student achievement levels determined by NAGB and requires NAGB to ensure achievement levels are reasonable, valid, and informative to the public.

Section 304. Definitions – Amends Section 304 of current law to align Title III with terms defined in ESEA.

Section 305. Authorization of Appropriations – Amends Section 305 of current law to authorize such sums as may be necessary to carry out Section 302 and Section 303 in fiscal year 2024 and for each of the five succeeding fiscal years.