

July 9, 2014

The Honorable Tom Harkin
Chair, Committee on Health, Education,
Labor, and Pensions
United States Senate
Washington, DC 20510

The Honorable Lamar Alexander
Ranking Member, Committee on Health,
Education, Labor, and Pensions
United States Senate
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Alexander,

As you consider legislation to reauthorize the Institute of Education Sciences (IES), we write to express our serious concerns about provisions of H.R. 4366 that diminish the autonomy, authority, and stature of the National Center for Education Statistics (NCES). We urge those provisions be amended by the Senate to ensure that NCES data and statistics are objective, independent, and relevant to education policy discussions and that NCES remains a leading part of the U.S. federal statistical system.

Unfortunately H.R. 4366 would continue a troubling trend of reducing NCES' autonomy and authority that goes back to the Education Sciences Reform Act (ESRA) of 2002. The situation was made more problematic by an otherwise important piece of legislation, the Presidential Appointment Efficiency and Streamlining Act (PAESA) of 2011, which removed Senate confirmation of the NCES Commissioner. NCES is one of 13 principal agencies that constitute the federal statistical system in the United States. Founded in 1867, it was the second statistical agency to be established and is the third largest after the U.S. Census Bureau and the Bureau of Labor Statistics. Operating from this vantage, its accomplishments are many; operating with reduced stature diminishes its efficacy and leadership role.

There are several key issues that could be easily handled through limited language modifications of H.R. 4366 that would reestablish the centrality of NCES and its foundational purposes. Our concerns are as follows.

First, the autonomy and authority of NCES to issue data and statistical products are essential to informing the public, Congress, and the Department of Education on the state of education in the U.S. For its products and data to be highly regarded, NCES should have explicit final authority over all of its publications to avoid perception of improper outside influence, including political. Such authority was removed in ESRA. That law also transferred budget control, another important aspect of autonomy, from NCES to IES. Language in H.R. 4366 further reinforces this downward layering of NCES and the significance of its independent reporting and budgetary authority once Congress has appropriated resources.

Second, H.R. 4366 additionally undermines NCES autonomy and independence by reducing the stature of the agency through shifting the appointment process of the NCES Commissioner from the President to the IES Director and requiring the NCES Commissioner to submit an agency plan to the IES Director for approval. This change in the stature of the position and the independence of the Commissioner is not a modest organizational chart difference to make

NCES parallel to other IES centers. NCES has the responsibility for collecting data and statistics on the conditions of education in the U.S. and the role of providing the statistical data and resulting products that can help shape priorities for research. It is simply not possible (or advisable) for the same person (in this case, the Director of IES) to determine what data should be obtained and how that information should be used to set the research agenda. These two functions are separate and should remain separable.

A weak NCES does not serve any stakeholder. Restoring the NCES Commissioner to a presidential appointee, with approval by the Senate, who serves for a fixed term, is important in ensuring a strong NCES and the accountability of the NCES Commissioner to Congress and to the public. Senate confirmation was removed in PAESA and, as mentioned above, H.R. 4366 further diminishes the role of the NCES Commissioner by transferring the appointment from the President to the IES Director.

Third, a downgrade of the position of the NCES Commissioner functionally eliminates direct reporting to the Office of the Secretary on statistical indicators related to education and education policy. It also reduces the stature of the Commissioner when serving on international bodies related to education data and statistics (e.g., PISA). Direct access of the NCES Commissioner to the Secretary's office (and vice versa) and direct participation on major bodies or in key meetings of senior officials help to better inform the department's policies and planning. Even if not immediately obvious, such a loss of expertise and guidance is real and tangible.

As set forth above, there is a compelling rationale for making changes that protect and safeguard the objectivity and accuracy of NCES products and restore the autonomy and stature of NCES. Such changes are consistent with the National Academies' *Principles and Practices for a Federal Statistical Agency*. In particular, "a strong position of independence" is one of its four key principles. The ensuing guidance for this principle includes the following:

Authority to release statistical information and accompanying materials (including press releases) without prior clearance for the statistical content by department policy officials is essential so that there is no opportunity for or perception of political manipulation of any of the information. (p. 41)

Such organizational aspects as direct access to the secretary of the agency's department and separate budgetary authority are neither necessary nor sufficient for a strong position of independence that protects a statistical agency from undue political influence, but they facilitate such independence. (p. 37)

While not related to NCES autonomy, authority, and stature, we are also concerned about the H.R. 4366 provision limiting contract renewals to a length of two years because of the administrative burden it would add. For all of IES, and especially for NCES that relies on contracts for data acquisition, a two-year renewal cycle would require an almost continuous process of vetting new contracts with little lead-time to appraise ongoing contracts or assess what is needed in new ones.

When a department of education was first established by Congress in 1867, it was for the single and sole purpose "of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school

systems, and otherwise promote the cause of education throughout the country” (<http://nces.ed.gov/pubs93/93442.pdf>). The birth of what is now NCES was for good and right reasons that need to remain a priority today in the reauthorization of IES. We believe this can be done without adverse consequences to the other meritorious parts of an IES reauthorization bill.

We stand ready to work with you and your staffs to make this happen and hope we can meet sometime soon to facilitate this end. For follow-up meetings, please contact Dr. Felice Levine, AERA Executive Director (flevine@aera.net, 202-262-7189) and Dr. Steve Pierson, ASA Director of Science Policy (spierson@amstat.org; 703-302-1841).

Thank you for your consideration.

American Educational Research Association
American Psychological Association
American Sociological Association
American Statistical Association
Association of Population Centers
Association of Public Data Users
Consortium of Social Science Associations
Council of Professional Associations on Federal Statistics
Federation of Associations in Behavioral & Brain Sciences
Population Association of America
Society for Research in Child Development

CC: Members of the Senate Committee on Health, Education, Labor, and Pensions