December 6, 2023

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

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

Dear Chairman Sanders and Ranking Member Cassidy,

Thank you for sharing the draft bill from the Senate HELP Committee that would reauthorize the Education Sciences Reform Act of 2002 (ESRA). We particularly appreciate your continued interest in receiving comments and concerns as the Committee seeks to arrive at a bi-partisan bill to reauthorize the Institute of Education Sciences (IES).

We share this aspiration. It is more important now than ever before to strengthen this authorizing legislation for IES. As you know, the Covid-19 pandemic shone a spotlight on the critical need to have timely, relevant, objective information to guide education decision making at all levels.

Unfortunately, the draft bill's provisions with respect to the National Center for Education Statistics (NCES) remain wanting. Rather than strengthening or retaining language that would allow NCES to function in the intended manner for a federal statistical agency, the current draft further constrains NCES and introduces one unnecessary change that would be counterproductive.

In recent years, the Congress, the Executive, and the National Academies of Science, Engineering, and Medicine (NASEM) have urged the strengthening and the professional autonomy of our Nation's federal statistical agencies; NCES is the second oldest of those agencies and was in fact established by the Congress in 1867 "for the purpose of collecting such statistics and facts . . . and diffusing such information . . . as shall aid the people of the United States . . . ."

- The Evidence Based Policy Making Act of 2018 (hereafter, the Evidence Act) mandates that recognized statistical agencies (i) "produce and disseminate relevant and timely statistical information; (ii) conduct credible and accurate statistical activities; (iii) conduct objective statistical activities; and (iv) protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses."
- The OMB proposed regulation (required by the Evidence Act) "Fundamental Responsibilities of Recognized Statistical Agencies and Units" states, "Consistent with well-established principles, such trust [in the information released by the Government] can be maintained by ensuring proper authority and autonomy of Recognized Statistical Agencies and Units and

ensuring that Recognized Statistical Agencies and Units have appropriate and adequate authority in making, or consulting with appropriate officials on, decisions that could impact their ability to uphold their fundamental responsibilities."

- The NASEM consensus panel report, "A Vision and Roadmap for Education Statistics" (2022), emphasizes in several recommendations the need to strengthen NCES. Two examples make the point:

It is particularly important for NCES to have the authority to make decisions on the scope, content, and frequency of its data and statistics; to select and promote professional staff based on skills and knowledge; and to 'be able to meet with members of Congress, congressional staff, and the public to discuss the agency's statistics, resources, and staffing levels' (NASEM, 2021b, Practice 2, p. 54). (p. 35)

The secretary, director, and commissioner should update all related policies, divisions of responsibilities, processes, and practices to empower the NCES commissioner and leadership team to most effectively carry out the SO's [Statistical Official's] duties." (p. 37)

We urge the bill be modified in advance of Committee mark-up to provide NCES control of its statistical and professional operations so that it can provide timely, relevant, objective, and trustworthy statistics for our schools, students, families, and country. We further urge that the NCES Commissioner be retained as a Presidential appointee and continue to have the additional layer of insulation that Congress provided to NCES under the Presidential Appointment Efficiency and Streamlining Act (PAESA) of 2011.

We look forward to hearing from you and stand ready to assist the Committee as it moves forward.

Thank you for your consideration of and attention to our concerns.

Organizations
American Educational Research Association
American Statistical Association
Alaska Children's Trust
American Association of University Professors
American Psychological Association Services
American Sociological Association
College of Education, University of Massachusetts Amherst
Consortium of Social Science Associations
Council for the Accreditation of Educator Preparation
Council of Administrators of Special Education
Council of Professional Associations on Federal Statistics

Decision Demographics, LLC
Inter-university Consortium for Political and Social Research (ICPSR)
Justice Information Resource Network
National Council of Teachers of Mathematics (NCTM)
National Council on Measurement in Education
Princeton University Library
U of Nebraska-Lincoln Department of Teaching, Learning, and Teacher Education
UCLA Center for the Transformation of Schools
University of Oregon College of Education

Former Statistical Agency Heads and Chief Statisticians
Katharine Abraham, Commissioner, Bureau of Labor Statistics, 1993-2001
Vince Barabba, Director, U.S. Census Bureau, 1973-1976, 1979-1981
William W. Beach, Commissioner, Bureau of Labor Statistics, 2019-2023
Jack Buckley, Commissioner, National Center for Education Statistics, 2009-2013
Lynda Carlson, Director, National Center for Science and Engineering Statistics, 2000-2012
Cynthia Clark, Administrator, National Agricultural Statistics Service, 2008-2014
Katherine Smith Evans, Administrator, Economic Research Service, USDA, 2007 – 2011
John Gawalt, Director, National Center for Science and Engineering Statistics, 2013-2018
Erica L. Groshen, Commissioner, Bureau of Labor Statistics, 2013-2017
Jay E. Hakes, Administrator, Energy Information Administration, 1993-2000
Calvin Kent, Administrator, Energy Information Administration, 1990-1994
James Lynch, Director, Bureau of Justice Statistics, 2010-2012
Susan Offutt, Administrator, Economic Research Service, USDA, 1996 – 2006
Thomas Petska, Director, Statistics of Income, 2002-2009
Alex R. Piquero, Director, Bureau of Justice Statistics, 2022-2023
Nancy Potok, Chief Statistician of the United States, 2017-2020
Martha Farnsworth Riche, Director, U.S. Census Bureau, 1994-1998
William J. Sabol, Director, Bureau of Justice Statistics, 2015-2016
Jeffrey l. Sedgwick, Director, Bureau of Justice Statistics, 2006-2008
Adam Sieminski, Administrator, Energy Information Administration, 2012-2017
Edward Sondik, Director, National Center for Health Statistics, 1997-2013
John Thompson, Director, U.S. Census Bureau, 2013-2017
Katherine Wallman, Chief Statistician of the United States, 1992-2017
James Woodworth, Commissioner, National Center for Education Statistics, 2018-2021

Individuals
Thomas Bailey, Teachers College, Columbia University, President
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Tricia Gray, Teacher Education Faculty

Glenn E. Good, Ph.D., Dean & Professor, University of Florida College of Education

Deryl Hatch-Tocaimaza, Associate Professor

Jillian Harpster, PhD, Professor of Practice, Secondary English Education

Larry Hedges, Chair, Panel on a Vision and Roadmap for Education Statistics, National Academies of Sciences, Engineering, and Medicine; Board of Trustees Professor of Statistics and Data Science and Education and Social Policy; Co-Director of the STEPP Center; Northwestern University

Andrew Ho, Charles William Eliot Professor of Education, Harvard University

John H. Laub, Distinguished University Professor Emeritus, University of Maryland, College Park

Samuel R. Lucas, Professor, University of California-Berkeley

Laura Lee McIntyre, Dean, College of Education, University of Oregon

Jeffrey F. Milem, Jules Zimmer Dean and Professor

Chandra Muller, Professor

KerryAnn O'Meara, Provost, Teachers College, Columbia University

Laura W. Perna, GSE Centennial Presidential Professor, University of Pennsylvania

Mica Pollock, Professor, Department of Education Studies, UC San Diego

Allen Pratt, Executive Director

Stephanie J. Rowley, Dean, School of Education and Human Development

Barbara Schneider

Michael E. Walker, President, National Council on Measurement in Education

Andrew A. White, Former Acting Chief Statistician, NCES

Sarah Zuckerman, Associate Professor of Educational Administration

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