



AMERICAN STATISTICAL ASSOCIATION
Promoting the Practice and Profession of Statistics®

732 North Washington Street, Alexandria, VA 22314-1943

(703) 684-1221 ■ www.amstat.org ■ asainfo@amstat.org

■ www.facebook.com/AmstatNews ■ www.twitter.com/AmstatNews

April 14, 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,

In response to an RFI issued on April 5 by your committee, we are grateful for this opportunity to offer input on policies the Committee should consider during the reauthorization of the Education Sciences Reform Act (ESRA). We focus on provisions for the National Center for Education Statistics to better ensure objective, trusted, and timely education statistics for our nation's schools, students, and parents.

Specifically, we respectfully urge NCES to be provided with full control over its professional and statistical operations, as summarized in the enclosed. These changes can and should be made while maintaining NCES' accountability to Congress, the Administration, NCES data users, and taxpayers. We also urge Senate confirmation of the NCES Commissioner to be restored.

The Covid-19 pandemic exposed longstanding bureaucratic hurdles, operational inefficiencies, and resource challenges of the National Center for Education Statistics as it sought to provide timely and granular data on the reaction of our nation's schools, teachers, and students to the pandemic. Only in the fall of 2021, with funds provided by Congress, was NCES able to launch the School Pulse Survey to start meeting demand for such data. Despite the utility of this new survey, NCES still lacks the agility and authority necessary to be responsive to new situations and satisfy the demand for granular, timely, and frequent data to inform decisions by parents, students, and policymakers.

Trust in a federal statistical agency is paramount for it to fulfill its mission for objective and timely statistics. Agencies need to be trusted by respondents in order to gather information through surveys. An agency must also be trusted for its products to be regarded as impartial. As importantly, a statistical agency must be agile in order to ensure its products are tracking the ever-changing education landscape. Trust in and agility of a statistical agency are bolstered by that agency having full control over its professional and statistical operations.

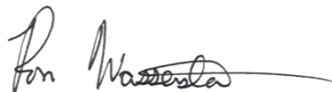
The control over professional and statistical operations that we advocate—referred to as “professional autonomy” in the federal statistical community—are guided by OMB directives, the Evidence Act of 2018, and principles from the National Academies of Science, Engineering, and Medicine (NASEM) and the United Nations. A March 2023 paper published in the ASA journal, *Statistics and Public Policy*, reviews and documents this guidance: [What Protects the Autonomy of the Federal Statistical Agencies? An Assessment of the Procedures in Place that Protect the Independence and Objectivity of Official Statistics](#). The authors, which include former leaders of the federal statistical agencies and a former Chief Statistician of the US, found a “surprising lack of statutory protections for many agencies” for professional autonomy and urged specific, statutory autonomy protections that address each of six measures of autonomy for all 13 principal federal statistical agencies. In this April 2023 publication, experts focus in on NCES needs and recommendations: [Bolstering Education Statistics to Serve the Nation](#).

We also urge the restoration of the original language of ESRA making the NCES commissioner a Presidential appointment with Senate Confirmation. Senate approval of the NCES commissioner appointment helps ensure a qualified leader and objective education statistics for our nation. Presidential appointment and Senate confirmation also more forcefully empowers the commissioner to defend the scientific integrity of NCES products.

The need to address NCES professional autonomy was highlighted prominently in 2022 by the Senate Appropriations subcommittee with oversight over NCES and the NASEM. In its explanatory statement for the FY23 Labor, Health and Human Services, and Education, and Related Agencies Appropriations bill, the subcommittee majority stated, “The Committee believes the Secretary, Commissioner and Director of IES should take swift action to support NCES as an independent Federal statistical agency...” In its 2022 report [A Vision and Roadmap for Education Statistics](#), a NASEM panel recommended, “The secretary of education, director of the Institute of Education Sciences, and NCES commissioner should collaborate to ensure that NCES is independent in developing, producing, and disseminating statistics.”

We appreciate your consideration and will provide separately a redline document of ESRA detailing our recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Wasserstein", with a long horizontal flourish extending to the right.

Ron Wasserstein
Executive Director

Enclosures: Priorities for NCES in ESRA; NCES staffing fix (which may need ESRA changes.)



Ensuring Objective and Reliable Education Statistics

Reauthorization Priorities for the National Center for Education Statistics

The National Center for Education Statistics (NCES) provides information on the condition of education through administrative data collection, status and longitudinal surveys, and assessments. Founded in 1867, NCES is the second oldest and third largest by budget among the 13 principal federal statistical agencies.

Desired Outcome – We urge changes in the Education Sciences Reform Act (ESRA) in order to:

Ensure education statistics are objective, nonpartisan, trustworthy, and relevant because of their wide use for education decisions by families, students, and researchers as well as by school and education administrators, policymakers, and media.

Reauthorization Priorities – To meet this outcome, ESRA should:

- Provide NCES final authority over its budget allocation, hiring, IT, contracting, and publications. Following the model of federal statistical agencies, NCES should have full control over its operations to be clearly accountable, avoiding opportunities for inappropriate external influences.
- Preserve presidential appointment status and reinstate Senate confirmation for the NCES Commissioner. Senate oversight of the NCES commissioner appointment helps ensure a qualified leader and objective education statistics for our nation. Further, presidential appointment and Senate confirmation provides the commissioner with more authority to advocate for independence and relevance of NCES data.
- Make NCES' name and agency-specific logo the prominent name and logo on NCES' website, logo, and products. Because trust in a statistical agency is paramount, NCES' name should be known and associated with its products.
- Restore NCES confidential treatment and protections of data. The quality of NCES data requires survey respondents to trust that NCES will protect their information.

See these Spring 2023 publications for in-depth discussions: [Bolstering Education Statistics to Serve the Nation](#) & [What Protects the Autonomy of the Federal Statistical Agencies? An Assessment of the Procedures in Place that Protect the Independence and Objectivity of Official Statistics](#).

[Department of Education founded in 1867 to provide statistics](#)

“That there shall be established at the City of Washington, a department of education, for the 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.”

Declining autonomy and stature –The 1988 [Hawkins- Stafford Elementary and Secondary School Improvement Amendments Act](#) made the NCES commissioner presidentially appointed and Senate confirmed and provided NCES sufficient autonomy to ensure objective and reliable

2000's

- NCES moved under Institute of Education Sciences losing publication and budget autonomy, staff appointment and contracting authority, and its advisory panel
- NCES confidential protections of data weakened

2012

- Senate confirmation of NCES Commissioner removed

2014-23

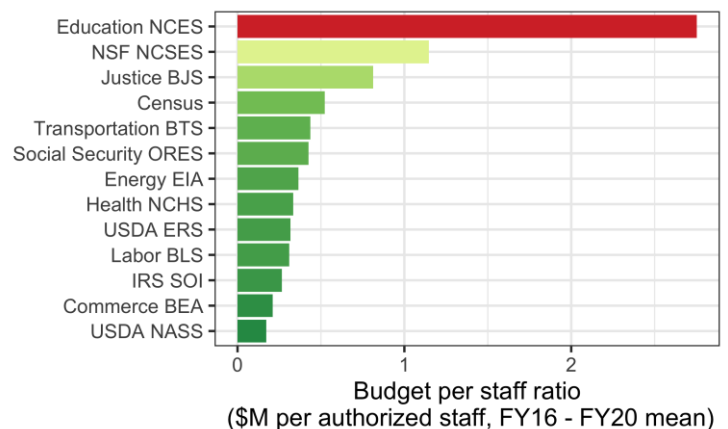
- Legislative and administrative proposals to remove presidential appointment of NCES commissioner
- 2020 administration proposal to separate assessments to non-NCES center
- IES branding campaign to lessen focus on centers, undermining NCES further

products. Since then, NCES has lost protections, threatening its ability to produce high-quality, objective data. In addition, a weaker NCES makes it more susceptible to further weakening.

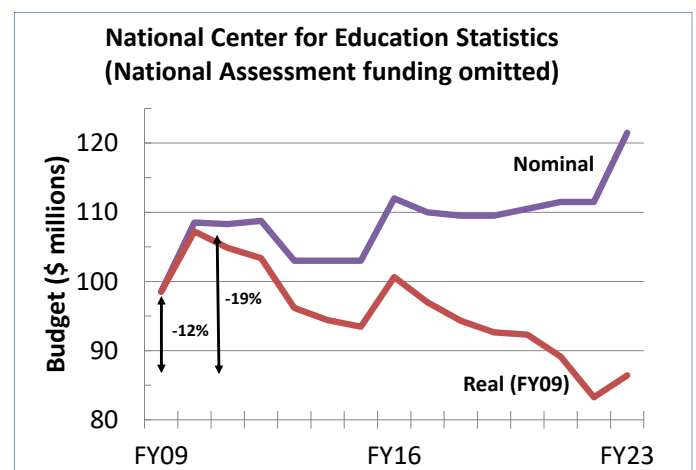


Strained staff and budget resources – NCES has a staff of approximately 95 people for a budget

of \$306 million. The budget-to-staff ratio of \$3.2 million per FTE is eight times the median ratio of the other principal federal statistical agencies, as the top graph illustrates. The [staffing crisis](#) makes NCES overly dependent on external contractors to conduct planning, technical quality review and analysis functions that should be internal federal activities. Further, for the specialized expertise NCES needs, contractors are often more expensive than direct staff FTEs. NCES’ ability to carry out its work is also challenged by its more than 19% loss in purchasing power over the past 13 years, as shown in the bottom graph.



Guidance and Support – Stronger autonomy and stature provisions for NCES are supported by the [Foundations for Evidence-Based Policymaking Act of 2018](#), [OMB Statistical Policy Directive #1](#), the National Academies’ [Principles and Practices for a Federal Statistical Agency](#) and [A Vision and Roadmap for Education Statistics](#), AERA’s [Recommendations for the Reauthorization of the Institute of Education Sciences](#), and 20 [former statistical agency heads](#).



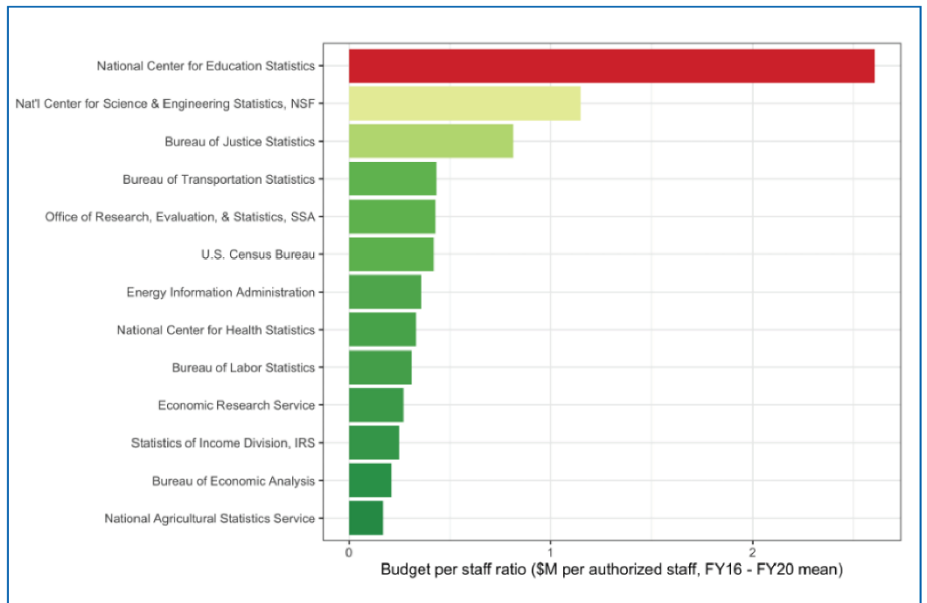
Fix the Staffing Shortage at the National Center for Education Statistics (NCES) *Fiscal Year 2024 Appropriations Request*



Council of Professional Associations on Federal Statistics

What is NCES? Located within the Department of Education’s (DoEd) Institute of Education Sciences (IES), the National Center for Education Statistics is the primary federal entity for collecting and analyzing data related to education. The NCES helps federal and state policymakers better understand the state of education in the U.S., and provides the data that drives solutions for improving the quality of education.

NCES Staffing Shortages: NCES is severely understaffed with fewer than 100 employees for an agency with an annual budget of \$300 million. For comparison, NCES’ budget to staff ratio is 10 times the median of all federal statistics agencies as shown in embedded chart. The myriad impacts of the staffing shortage are detailed below.



The staffing constraints are due largely to how staffing budgets are allocated. NCES’ budget comes from three funding lines in the annual Labor-Health and Human Services (HHS)- Education Appropriations Act: (1) statistics; (2) assessment (neither of which can be used for salaries); and (3) a portion of IES Program Administration allocated to NCES, with IES making the decision about NCES employee level. See the [IES FY23 budget table](#) below.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

(Amounts in thousands)

| | FY 2022 Enacted | FY 2023 Request | Final Bill | Final Bill vs Enacted | Final Bill vs Request |
|--|--------------------|--------------------|------------|--------------------------|--------------------------|
| INSTITUTE OF EDUCATION SCIENCES (IES) | | | | | |
| Research, Development and Dissemination..... | 204,877 | 197,877 | 245,000 | +40,123 | +47,123 |
| Statistics..... | 111,500 | 111,500 | 121,500 | +10,000 | +10,000 |
| Regional Educational Laboratories..... | 58,733 | 57,022 | 58,733 | --- | +1,711 |
| Research in Special Education..... | 60,255 | 58,500 | 64,255 | +4,000 | +5,755 |
| Special Education Studies and Evaluations..... | 13,318 | 11,318 | 13,318 | --- | +2,000 |
| Statewide Data Systems..... | 33,500 | 33,500 | 38,500 | +5,000 | +5,000 |
| Assessment: | | | | | |
| National Assessment..... | 180,000 | 185,000 | 185,000 | +5,000 | --- |
| National Assessment Governing Board..... | 7,745 | 7,799 | 7,799 | +54 | --- |
| Subtotal, Assessment..... | 187,745 | 192,799 | 192,799 | +5,054 | --- |
| Program Administration..... | 67,093 | --- | 73,500 | +6,407 | +73,500 |
| Total, Institute of Education Sciences..... | 737,021 | 662,516 | 807,605 | +70,584 | +145,089 |

FY24 Request: Allow NCES to use its budget for salaries and expenses by 1) transferring the portion of the IES Program Administration funding currently used for statistics and assessment to each of the respective accounts (see table); and 2) specifying that statistics and assessment funding may be used for salaries and expenses, as exemplified by the appropriations language and approach, for example, for the Bureau of Labor Statistics (BLS) or the Bureau of Economic Analysis (BEA). Such a transfer of funding from the IES Program Administration funding to the statistics and assessment lines is an extension of Congress’s actions in FY22 appropriations when it created the IES Program Administration line by transferring the portion of the department-wide “Salaries and Expenses” line that was allocated to IES.

Proposed Bill Language, Institute of Education Sciences: *Provided further*, that funds for Statistics and Assessment available to carry out Part C of the Education Sciences Reform Act of 2002 and 20 U.S. Code § 9622 may be used for salaries and expenses.

Proposed Report Language: *Administrative Expenses.*—The committee provides a zero-cost realignment of the NCES portions of the IES Program Administration to the IES Statistics and Assessment lines and designates that those lines may be used for salaries and expenses in order to allow it to operate more fully as an independent federal statistical agency and to provide it more nimbleness to provide relevant education statistics in a timely manner.

Impact of NCES Staffing Shortages: NCES’ staff shortage impedes the agency’s effective and efficient operations in many ways. It forces the agency to rely heavily on external contractors, which overall is more expensive than an expert staff workforce. The 2021 Contractor to FTE ratio was 9:1 (95 staff FTEs, 875 FTE contractors). This reliance on contractors impedes the agency’s ability to be nimble and easily reallocate staff to immediate needs (as demonstrated at the onset of the pandemic). This shortage also forced the agency to cut programs,¹ resulting in a loss of institutional memory and a diminishment of NCES’s standing as an independent federal statistical agency. As an example, NCES is not allowed to use Statistics and Assessment line funding to hire staff but it can contract with the US Census Bureau who can use the contract funding to hire permanent staff. See this [2021 discussion of experts](#),² which is also the source of the graphs used here, and the 2022 National Academies report, *A Vision and Roadmap for Education Statistics*.³



Benefits of this FY24 Request:

- Use taxpayer money more efficiently and effectively
- Help NCES build internal capacity and staff expertise
- Provide more management flexibility to optimize operations
- Reinforce NCES’s status as a principle federal statistical agency

¹ [Understaffing threatens work at key U.S. education statistics agency, experts say](#), Valerie Strauss, March 31, 2020, *The Washington Post*

² *State of the Education Data Infrastructure: What Three Experts Have to Say About the National Center for Education Statistics*, September, 2021, *Amstat News*.

³ National Academies of Sciences, Engineering, and Medicine 2022. *A Vision and Roadmap for Education Statistics*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26392>.