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Submitted Electronically to ESRA2023@help.senate.gov

December 6, 2023

RE: Support and Additional Recommendations for Advancing Research in Education Act

Chairman Sanders, Ranking Member Cassidy, and Members of the Senate HELP Committee –

The Data Foundation applauds the Senate Health, Education, Labor, and Pensions (HELP) Committee's bipartisan request for technical assistance on the draft Education Sciences Reform Act (ESRA) reauthorization bill, the Advancing Research in Education Act (AREA). The Data Foundation is providing additional feedback for the full Committee based on our experience supporting a range of data initiatives and evidence-informed policymaking activities over the past decade. As a non-profit, nonpartisan organization that prioritizes the use of data and evidence to improve society for everyone, we also recognize the importance of reauthorizing ESRA and support the bipartisan endeavor to fortify the pivotal work of the Institute of Education Sciences (IES). We extend our appreciation to the Committee for outreach to key stakeholders, researchers, practitioners, and leaders in developing the draft bill, including our Data Coalition community.

The research, analytical, and evaluation activities conducted and supported by IES offer valuable insights that assist national, state, and local leaders crafting policies and programs that improve the learning environment and are conducive for expanded economic opportunities. The draft legislation includes many improvements in this regard, particularly the inclusion of data innovation grants and efforts toward modernizing state longitudinal data systems. Additionally, the Data Foundation eagerly anticipates the provision for expedited surveys at the National Center for Education Statistics, a vital resource for illuminating our nation's educational landscape that has been a priority of ours across the Federal Statistical System.

While the bill includes key improvements that we strongly support, there is one missed opportunity that the Data Foundation highlights for the Committee based on a recent law and three areas that we offer as additional recommendations. As the legislative process progresses, we hope the Committee will address each of these areas.

Alignment with the Foundations for the Evidence-Based Policymaking Act

In 2018, Congress passed the Evidence Act with the goal of enabling a government-wide ecosystem that would produce more useful evidence that could be used by decision-makers. The law also includes many of the foundational elements of data governance and practice agencies are now emphasizing that are relevant for considering adoption of artificial intelligence

applications, which will be highly relevant for the IES of the future. Importantly, the framework of the Evidence Act – established after the last reauthorization of ESRA – has been applied with great success at the Department of Education. The Data Foundation strongly encourages the Committee to give careful consideration about how to explicitly align the goals and language of AREA with the Evidence Act, including to ensure alignment with government-wide initiatives that IES participates in that relates to statistical activities, data governance, and evaluation. Not including an alignment with the Evidence Act as that law nears its 5-year anniversary would be a missed opportunity for an ESRA reauthorization and to support the Department of Education as a government-wide leader in its implementation efforts.

One of the critical reasons for including language related to this alignment is because the Evidence Act affected the authorities for the National Center for Education Statistics (NCES) by amending the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), which produces some – though not all – of the country’s education statistics. Ensuring that NCES can effectively collaborate under the Evidence Act with the Census Bureau and the National Science Foundation’s National Center for Science and Engineering Statistics using the CIPSEA authorities will be critical to consider. Therefore, linking in the underlying authorizing framework helps maintain this connectivity. The Data Foundation provides suggested text to accomplish this.

Opportunities for Additional Improvements to AREA

There are several key areas of further improvements from the Data Foundation’s perspective:

- 1. *Modifying the Definition of "evidence-based"*:** The current definition of evidence-based is not fully aligned with practices in the Evidence Act, definitions in implementation guidance, and may inadvertently limit implementation further than Congress intends due to overspecification. The Data Foundation strongly recommends a revision of this definition.
- 2. *Alignment for Coordination with NSF’s National Secure Data Service*:** In 2022 as part of the CHIPS and Science Act Congress authorized the NSDS Demonstration Project that NSF is currently developing. The Data Foundation strongly recommends that the Committee encourage coordination with the NSF to support the agency multi-year learning agenda and collaborations with states in analyzing data in privacy-protective ways.
- 3. *Introduce a Duty for IES to Collaborate Cross-Department on Education & Workforce Data*.** Similar to other agencies that support cross-cutting functions and analytical needs, introducing a formal role and expectation for IES to facilitate research and evidence-building collaboration with the Departments of Labor and Health and Human Services where pertinent to education and workforce policy will help the field and agencies better coordinate on specific topics related to the IES mission. This could include, for example, publishing a cross-agency, multi-year learning agenda.

RE: Data Foundation Comments to Senate HELP Committee on AREA Draft (12/6/2023)

The Data Foundation commends the Committee's commitment to bipartisan collaboration on this consequential legislation. Thank you for seeking feedback on the draft bill. In addition to other comments the Data Foundation supported through the Learning System Leadership Network, we welcome the opportunity to discuss these suggestions in greater detail or to provide further assistance about data and evidence topics related to the Committee's work.

Regards,

Nick Hart, Ph.D.
President & CEO

Attachment