

July 26, 2021

The Honorable Patty
Murray

Health, Education, Labor and Pensions
Committee
Washington, DC
20510

The Honorable Richard Burr

Health, Education, Labor and Pensions
Committee
Washington, DC 20510

Dear Chair Murray and Ranking Member Burr:

We are writing to express our thoughts on the reauthorization of the Education Sciences Reform Act of 2002 (ESRA) in response to your bipartisan call for comments. Thank you for your leadership in taking on a review of this important statute. Reauthorization of the law providing for the Institute of Education Sciences (IES) is important to ensure the statute can meet the educational challenges of today. LEARN stands ready to work with you and your staff to help in the development and passage of a bipartisan reauthorization bill.

LEARN issued a statement of support in 2015 when your Committee passed the Strengthening Education through Research Act (SETRA). We support many of the provisions in that same bill today, but applaud the Committee for examining the needs of IES and education research given today's current educational challenges. Given this wholistic review, below are several aspects of ESRA on which the Coalition has recommendations for your consideration.

IES Independence

LEARN strongly supports the current quasi-independent status of IES within the U.S. Department of Education (ED) and the elements of ESRA that create this status. The appointment of a director whose term spans Administrations and a board that is statutorily required to assist with the setting of priorities of the Institute ensures that IES focuses on the research necessary to improve education without getting caught up in the education agenda of a particular administration.

These structural components are critical to policymakers, practitioners and others trusting the priorities set and research undertaken by IES. We urge the Committee to not fundamentally change these key structural components as it considers changes to the underlying law.

National Board for Education Sciences

The National Board for Education Sciences (NBES) is a critical element of IES's quasi-independent status. The Board plays a role in this independence by advising the Director on the operation of the Institute and approving the Institute's priorities. The criteria called for under ESRA for board membership ensures that highly qualified individuals will be selected. The combination of an effective and respected director with a highly qualified board guarantees IES focuses its limited resources on the most pressing education challenges facing children and schools.

Unfortunately, NBES has not met for several years and has no sitting members. The lack of sufficient NBES membership started during the Obama Administration, but has continued during the Trump and now Biden Administrations. Regardless of party, the appointment of NBES members has not, in our view, been prioritized by any recent Administration. To remedy this, we urge the inclusion of a provision which would require the President to appoint a full slate of NBES members within one year of the passage of an ESRA reauthorization bill. Should an NBES vacancy arise, we recommend the same one-year deadline for an appointment to fill that vacancy. Lastly, we support a provision included in SETRA that would permit a board member whose term has expired to remain on the board for up to one year while his or her replacement is appointed.

Auburn University
College of Education

Boston University
Wheelock College of Education and Human
Development

Boston College
Lynch School of Education

Florida State University
College of Education

Georgia State University
College of Education & Human Development

Indiana University
School of Education

Iowa State University
College of Human Sciences

John Hopkins University
School of Education

Lehigh University
College of Education

North Carolina State University
College of Education

Oklahoma University
Jeannine Rainbolt College of Education

Penn State University
College of Education

Purdue University
College of Education

Syracuse University
School of Education

Texas A&M University
College of Education and Human Development

The Ohio State University
College of Education and Human Ecology

University of Arizona
School of Education

University of California – Santa Barbara
Gevirtz Graduate School of Education

University of Central Florida
College of Community Innovation and Education

University of Connecticut
Neag School of Education

University of Florida
College of Education

University of Georgia
School of Education

University of Houston
College of Education

University of Illinois Urbana-Champaign
College of Education

University of Kansas
School of Education

University of Maryland College Park
College of Education

University of Minnesota
College of Education and Human Development

University of Missouri
College of Education

University of Nevada-Reno
College of Education

University of North Carolina
School of Education

University of Oklahoma
College of Education

University of Oregon
College of Education

University of Pittsburgh
School of Education

University of Southern California
Rossier School of Education

University of Texas at Austin
College of Education

University of Vermont
College of Education and Social Services

University of Wisconsin – Madison
School of Education

University of Wyoming
College of Education

Vanderbilt University
Peabody College of
Education and Human Development

Virginia Commonwealth University
School of Education

The one-year time period we recommend would allow the current Administration sufficient time to identify and select qualified individuals. In addition, to avoid this new slate of NBES members from having their terms expire all at the same time, we urge the inclusion of staggered terms for new members, in the same fashion as was originally envisioned with the appointment of the first slate of Board members when ESRA was first enacted.¹

Proposed language

Section 116(b)(4) is amended by adding at the end the following:

“(E) Appointments After the Passage of [xxxxx Act].—The President shall appoint the maximum number of members permitted under paragraph (1) within one year of the passage of the [xxxxx Act]. If a vacancy arises on the Board, the President shall appoint an individual to fill such vacancy within one year of the existence of such vacancy.”

Separate and Robust Authorization for NCSER

Under current law, the National Center for Special Education Research (NCSER) has a separate authorization of appropriations. The fact that NCSER is separately authorized has raised the visibility of the center in funding discussions with Members of Congress and ensured that dedicated funds are available to address critical special education research issues. While NCSER was misguidedly cut in fiscal year (FY) 2011 appropriations legislation, its value has been recognized through a steady increase in its funding levels over the past few appropriations cycles. SETRA also maintained NCSER’s separate authorization of appropriations, and we urge the Committee to maintain this position in a new ESRA reauthorization bill with robust appropriations levels to signal the Committee’s intent that its appropriations levels continue to grow.

Robust Authorization Levels

In addition to maintaining a separate authorization of appropriations and robust authorization levels for NCSER, the overall authorization level for Title I of ESRA (which covers all of the IES Centers and research functions of the Institute except for NCSER) should also be increased. As Research, Development and Dissemination funding within IES has also not recovered from cuts in 2011, a bipartisan Committee approved ESRA reauthorization bill with robust authorization levels will send a strong signal to appropriators of the value of steadily increased appropriations.

IES Priority Time Period and Priority and Mission Focus

Current law is silent on the time period for when the Director must propose priorities for the Institute to NBES. SETRA proposed the development of priorities every six years. Six years between the work to identify and setting of priorities is too long to capture the impact of the challenges facing different generations of America’s students and educators. We recommend setting this time period at four years to allow for more frequent but manageable priority setting time period.

In addition to the priority time period, we urge the consideration of maintaining and strengthening statutory language pertaining to IES’s mission and the focus on setting priorities for the Institute. Under section 111(b), the statute lays out the mission of the Institute and how the mission should be carried out. Under current law, section 115(a) requires the Director to identify topics for research that focus on closing the achievement gap, access to high quality education (across the early childhood through postsecondary spectrum), and the efficacy, impact and cost-effectiveness of technology.

¹ Maintaining Section 116(b)(4)(B) from current law on applying to the first appointments made after the effective date of a reauthorized ESRA would accomplish this.

To strengthen section 111(b), we recommend the mission language for the Institute reflect a focus on improving achievement of the most vulnerable students. In addition, we recommend including language that stresses the importance of research that focuses on basic science and application to the field and scientific merit alongside usefulness and dissemination of research as paramount concerns for IES.

To strengthen section 115(a), we recommend a continued focus on requirements for the Institute's priorities on research, especially research focused on addressing achievement gaps, improving outcomes for the most vulnerable students (including students with disabilities) and access to, persistence in and completion of postsecondary education.

Proposed language – modify section 111(b) from current law:

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education and special education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students, **with a particular focus on improving achievement for the most vulnerable students**; and

(C) the effectiveness of Federal and other education programs.

(2) CARRYING OUT MISSION.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; **and**

(B) **emphasize the importance of—**

(i) **scientific merit in concert with usefulness and dissemination of research; and**

(ii) **research that focuses on basic science and application in the field; and**

(~~BC~~) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

Proposed language – modify section 115(a) from current law:

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers) The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues **and improving achievement of the nation's most vulnerable students (especially students with disabilities)**, including those associated with the goals and requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

(2) ensuring—

(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

(B) access to, and opportunities for, postsecondary education; and

(C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

Public Input on IES Activities

In reviewing SETRA, we noticed that section 116(f)(10) was struck by the bill. This paragraph is among the duties of the Director and requires the Director to solicit and consider recommendations of education stakeholders in the planning and carrying out of the Institute's activities. Related to this matter, we certainly appreciate that SETRA maintains the 60-day public comment requirement on the priorities proposed by the Director in Section 115(d), but are concerned that the elimination of any public comment requirement on IES activities diminishes the opportunity for education stakeholders to enrich the Director and Institute's thinking on its work. While the Director should not be required to seek comment on every activity of the institute, activities that play a major role or impact the focus and product delivery of IES should be subject to such input.

Proposed language – maintain section 116(f)(10) from current law:

“(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.”

NBES Reports and Evaluations

Current law requires an annual report by NBES assessing the effectiveness of the Institute in carrying out its priorities and mission. SETRA changed this requirement to an evaluation that takes place every five years. While we certainly understand the challenge of NBES producing an annual report, the five-year timeframe strikes us as too long a period of time for such a report. If such a report is produced with a limited time left on a director's tenure it may be difficult to implement any recommendations from such report. We recommend an evaluation every three years as this would allow sufficient time for NBES to produce such a report and for Congress and most importantly the Director to implement any recommendations from such report.

Next Generation of Researchers

Research is only as strong as the knowledge, skills and training of the researchers who are conducting it. IES has funded the Predoctoral Training Program to increase the number of well-trained PhD students who are prepared to conduct critical education research. Section 189 of the statute requires IES to establish fellowships at institutions of higher education to support graduate and postdoctoral study, with a particular focus on recruiting women and minorities for participation in such fellowships. SETRA maintained this requirement and made improvements to the current statutory language. We strongly recommend that this section of current law, with SETRA's additions, be included in any bipartisan legislation the Committee advances

Thank you again for your leadership on seeking to improve ESRA and for considering our views. We are happy to provide any follow up information.

Sincerely,

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