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RE: Modification of the Teachers Compensation Survey (TCS) Confidentiality
Assurance and Data Items Revisions 83C (OMB# 1850-0874 v.2)

This request for change provides a revised glossary in the attached revised data submission instruction manual (*TCS 2010-2013 Revised Appendix A-Instruction Manual Jan 6_2011*) and a proposed change to the confidentiality assurance provided as part of the Common Core of Data-Teachers Compensation Survey (TCS).

Modification of TCS Confidentiality Assurance

Subsequent to our application to OMB for approval of TCS 2010-2013 (OMB# 1850-0874-v.1), NCES has become aware that a few states publicly release teacher level data on the same variables that comprise the TCS. Specifically, the New Jersey Department of Education contacted NCES on Oct. 14, 2010, indicating that the data are “available to anyone who requests it.” Going forward NCES anticipates that a sizeable number of states will publicly release data on teacher characteristics and compensation. Since the publicly released teacher level data do not require the confidentiality protections of the Education Sciences Reform Act (ESRA), we are submitting a modification to the approved OMB package.

The confidentiality standards of ESRA provide that “The Director (of IES) shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data...”¹

The confidentiality standards of ESRA provide in pertinent part that

“No person may use any individually identifiable information furnished under this subchapter for any purpose other than a research, statistics, or evaluation purpose under this subchapter; make any

¹ 20 U.S.C. §9573 (c)(1)(A).

publication whereby the data furnished by any particular person under this subchapter can be identified.”²

Confidentiality is a status accorded to information based on an agreement, obligation, or duty such that the recipient of personal data must control disclosure. Privacy pertains to the right to restrict access to private information. The teacher level data in the TCS that are protected by the confidentiality provisions of ESRA include demographic data about individual teachers from multiple states.

Some states, such as the NJ Department of Education (NJDOE) and the Washington Department of Education, provide data on teacher characteristics and compensation that are available to the public upon request or on-line. The data in the teachers file are not confidential by virtue of the fact that they are open to public inspection. For example, the NJDOE does not have any expectation of confidentiality nor any expectation of privacy, because the file has previously been released to the public. In fact, excerpts of the teachers staff file have been published by newspapers in NJ. The ESRA confidentiality standard stating that “the Director (of IES) shall develop and enforce standards designed to protect the confidentiality of persons” does not apply because there is no expectation of confidentiality once the teachers file has been publicly released.

The TCS restricted use file (RUD) file will be composed of the same data variables for all included states, regardless of whether each state has or has not made their teacher data available to the public. However, if the confidentiality provisions of ESRA are not applied, the data in the RUD will be identical to the data made publicly available by the states. In contrast, teacher data that are not publicly released by the states will be subject to appropriate disclosure avoidance techniques, such as data perturbation, in order to protect the teachers’ identity from disclosure to the fullest extent possible.

The TCS public use summary files will be composed of the same data variables irrespective of whether a state has or has not made their teacher data available to the public. The public use files containing summary school-level and district-level data based on teacher data made available to the public by the state will not suppress small cells. For states which do not make teacher data available to the public, TCS public use files will be subject to whole case suppression, and/or multiple case suppression for small cells.

Researchers, practitioners, and the public generally prefer not perturbed data in the RUD files and not suppressed data in the public use files, because these disclosure avoidance techniques add variability to the data.

We have revised two of the documents in the approved TCS clearance package (OMB# 1850-0874-v.1) to reflect the proposed changes.

The Supporting Statement Part A Section A.10 originally stated that “The data collected on TCS are already available to the public in many jurisdictions, but in some teacher level data are not

² 20 U.S.C. §9573 (c)(2)(A)(B).

publically available. Given the confidential nature of these data in some jurisdictions, NCES will collect all TCS data in compliance with section 183 of the 2002 Education Sciences Reform Act (ESRA). Respondents will be assured that the information they provide is protected by federal statute (ESRA; P.L. 107-279, Title I, Part E, Sec. 183) and that their answers may be used only for statistical purposes and may not be disclosed, or used, in identifiable form for any other purpose except as required by law.”

We have revised this language to the Supporting Statement Part A Section A.10 as follows:

“The data collected on TCS are already available to the public in many jurisdictions, but in some teacher level data are not available to the public. In jurisdictions where data collected on TCS are not made available to the public, NCES will collect TCS data in compliance with section 9573 of the 2002 Education Sciences Reform Act (ESRA) and respondents will be assured that the information they provide is protected by federal statute (ESRA; 20 U.S.C §9573) and that their answers may be used only for statistical purposes and may not be disclosed, or used, in identifiable form for any other purpose except as required by law. In jurisdictions where the state makes data collected on TCS available to the public, NCES will not protect the confidentiality of teacher data pursuant to ESRA, 20 U.S.C §9573, and will inform the state that the confidentiality provisions of ESRA, 20 U.S.C§9573 do not apply.” (See the attached Part A with tracked changes)

At the end of the Part A Section A.10 the following sentence has also been inserted:

“NCES will not publish personal identifiers (names, addresses, etc.) from the TCS, even if a state makes that information available to the public.”

The Instruction Manual, which is part of the approved package as Appendix A, originally stated that: “The information you provide as part of this voluntary survey is protected by federal statute (ESRA; P.L. 107-279, Title I, Part E, Sec. 183). Your answers may be used only for statistical purposes and may not be disclosed, or used, in identifiable form for any other purpose except as required by law. The Teacher Compensation Survey will become part of the Common Core of Data series. The teacher-level data will only be available to researchers with an IES Restricted-Use Data License. Summaries of the data at the school and district levels will be published on the web after suppression of salary and benefits data in small cells (i.e., cases where averages or totals are based on fewer than 3 teachers).”

We propose revising this paragraph with the following language:

“The Teacher Compensation Survey will become part of the Common Core of Data series. Summaries of the data at the school and district levels will be published on the web. Teacher-level data will only be available to researchers with an IES Restricted-Use Data License. The information you provide as part of this voluntary survey is protected by federal statute (ESRA 20 U.S.C§9573), unless your state makes the data available to the public.

For data not made available to the public by the state, the data you provide for the TCS may be used only for statistical purposes and may not be disclosed, or used, in identifiable form for any other purpose except as required by law (ESRA; 20 U.S.C §9573). In TCS public-use summary files,

data not made available to the public by the state will be subject to whole case suppression and/or multiple case suppression in small cells. In restricted-use data files the data will be subject to appropriate disclosure avoidance techniques, such as data perturbation, in order to protect the teachers' identity from disclosure to the fullest extent possible.

If your state does make teacher compensation data available to the public, NCES will not protect the confidentiality of these data. The data made available to the public by the state will be published in TCS public-use summary (aggregate data) files without cell suppression and in the TCS restricted-use (individual-level data) data files without applying disclosure avoidance techniques.”

Changes to the TCS Data Submission Instruction Manual

Discussion with states participating in the Teacher Compensation Survey (TCS) over the past the last two years has led NCES and the Census Bureau to recommend changes to the definitions of six (6) data items. The changes in the data item definitions apply to the data collection from the 2009-10 school year and to subsequent years.

The changes affect the following data items:

- Base salary
- Years of Experience
- Teacher
- Contract days
- Full-time equivalency (FTE)
- Total pay
- Ethnicity
- Race

The changes have been marked in red to facilitate review.

- ❖ **Base salary**-The negotiated annual base salary **in the contract** for teaching duties for school year 2009-10. **Include extra pay for extra duties, etc. Exclude bonuses.** Base salary should only include pay for teaching at the specific school indicated on the file. Report base salary rounded to the nearest dollar. Base Salary will now be the negotiated salary at the beginning of the school year.
- ❖ **Years of Experience**- Years of teaching experience recognized by the school district or state education agency as of the end of the school year. **Include teaching experience at public or private schools from other states or districts within the state. Experience should reflect actual years teaching, separate and distinct from the step on the salary schedule. (If the total years of experience are not available, please report the teaching experience that is available, and define how it is reported on the data plan).** New full-time teachers, hired at the beginning of the school year (with no previous experience), should be reported as having 1 year of experience.

- ❖ **Teacher**-A professional (certified or non-certified) public school staff member who instructs students in prekindergarten, kindergarten, grades 1 through 12, or ungraded classes and maintains daily student attendance records. We are asking for data on all teachers in your state, both certified and non-certified. Please include only those staff persons that are employees of a school district or state education agency. Exclude staff that do not keep attendance records or assign grades to students.
- ❖ **Contract Days**-Number of days specified in teacher contract (usually at the beginning of the school year).
- ❖ **Full-time equivalency (FTE)**-State (or district's) FTE value for this teacher. This should be the FTE value for a day or a week or some other relatively short period as recorded near the beginning of the school year. FTE is the amount of time required to perform teaching assignments stated as a proportion of a full-time position. FTE is calculated by dividing the amount of time employed by the time normally required for a full-time position. (This item will also be used to help NCES identify part-time teachers.) If a teacher teaches at more than one school, report a separate record for that teacher, for each school. The FTE value should reflect the FTE for that teacher in that specific school. For example, if a teacher works 2 days at one school and 3 days at another school then the FTE should be 0.4 for the first school and 0.6 for the second school. Please prorate the salary and benefits received by the teacher across each school. The FTE should be rounded to two decimal places. In most cases FTE should correspond with base salary and total pay.
- ❖ **Total Pay**-The total amount of money paid to this teacher for teaching duties. (for school year 2009-10). Total pay for teaching duties includes incentives, bonuses, pay for National Board Certification, and extra pay for additional instructional duties, such as being a summer school teacher, athletic coach, etc. Total pay does not include money paid for administrative duties, or non-instructional duties such as a team leader, librarian, or curriculum coordinator. Report total pay rounded to the nearest dollar.

Race/Ethnicity- Categories used to describe groups to which individuals belong, identify with, or belong in the eyes of the community. The categories do not denote scientific definitions of anthropological origins. When reporting the data for the 2009-2010 school year the SEAs may elect to report racial and ethnic data with the 5 traditional race/ethnicity categories or under the new ethnicity and racial categories described below. If absolutely necessary, an SEA may report some race/ethnicity data under the 5 traditional categories and others with the new ethnicity and race categories for the 2009-2010 school year.

In the traditional race/ethnicity categories that can be utilized through the 2009-2010 school year, a person may be counted in only one group. With the new ethnicity and racial categories to be used beginning in the 2010-2011 school year, a person may be counted in multiple racial groups.

- 1 = American Indian/Alaskan Native
- 2 = Asian/Pacific Islander

3 = Hispanic
4 = Black, not of Hispanic origin
5 = White, not of Hispanic origin
M = Missing

American Indian/Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian/Pacific Islander: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Black or African American: A person having origins in any of the black racial groups of Africa.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

For the 2010-11, 2011-12, and 2012-13 school years the following ethnicity and race categories should be utilized for reporting data:

Ethnicity

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. Used interchangeably with the shortened term Hispanic.

1=Yes. The teacher is Hispanic or Latino.

2=No. The teacher is not Hispanic or Latino.

Race: A person can have two or more races.

American Indian/Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

1=Yes. The teacher is American Indian/Alaska Native.

2=No. The teacher is not American Indian/Alaska Native.

Asian: A person having origins in any of the original people of the Far East, Southeast Asia or the Indian subcontinent , including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

1=Yes. The teacher is Asian.

2=No. The teacher is not Asian.

Black or African American: A person having origins in any of the black racial groups of Africa.

1=Yes. The teacher is Black or African American.

2=No. The teacher is not Black or African American.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

1=Yes. The teacher is Native Hawaiian or Other Pacific Islander.

2=No. The teacher is not Native Hawaiian or Other Pacific Islander.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

1=Yes. The teacher is White.

2=No. The teacher is not White.