


Memorandum

United States Department of Education
Institute of Education Sciences
National Center for Education Statistics

DATE: April 6, 2017

TO: Robert Sivinski and E. Ann Carson, Office of Management and Budget (OMB)

FROM: Peggy Carr, Acting Commissioner, National Center for Education Statistics (NCES)  4/11/17

SUBJECT: Emergency Clearance for Implementation of Revised NCES Confidentiality Pledges

The Cybersecurity Enhancement Act of 2015 (codified in relevant part at 6 U.S.C. §151), mandates that federal information systems be protected from malicious activities through cybersecurity screening of transmitted data. The National Center for Education Statistics (NCES), a component of the Institute of Education Sciences (IES) in the U.S. Department of Education (ED), is subject to the implementation of Einstein 3A. Per instructions from the Office of Management and Budget (OMB), to facilitate immediate use of the revised pledges while maintaining compliance with the Paperwork Reduction Act (PRA), each affected federal agency may submit to OMB a single request under 44 U.S.C. 3507(j)(1) (“emergency clearance”) for all of its affected Information Collections. Therefore, NCES is submitting this Information Collection Request (ICR) to OMB utilizing emergency review procedures in accordance with the PRA95 (P.L. 104-13, 44 U.S.C. Chapter 35) and 5 C.F.R. §1320.13 to announce revisions to the confidentiality pledge(s) it provides to its respondents under the Confidential Information Protection and Statistical Efficiency Act (44 U.S.C. 3501 (note)) (CIPSEA) and under the Education Sciences Reform Act of 2002 (ESRA 2002).

NCES is seeking emergency clearance for the collections listed below in order to implement revised confidentiality pledge language in response to the mandatory implementation of Einstein 3A and cybersecurity screening of transmitted data by the Department of Homeland Security (DHS).

Confidential Information and Protection and Statistical Efficiency Act (CIPSEA)

Strong and trusted confidentiality and exclusively statistical use pledges under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies. Under CIPSEA, the following is the revised statistical confidentiality pledge for applicable NCES data collections, with the new line added to address the new cybersecurity monitoring activities bolded for reference only:

The information you provide will be used for statistical purposes only. In accordance with the Confidential Information Protection provisions of Title V, Subtitle A, Public Law 107-347 and other applicable Federal laws, your responses will be kept confidential and will not be disclosed in identifiable form to anyone other than employees or agents. By law, every NCES employee as well as every agent, such as contractors and NAEP coordinators, has taken an oath and is subject to a jail term of up to 5 years, a fine of \$250,000, or both if he or she willfully discloses ANY identifiable information about you. **Electronic submission of your information will be monitored for viruses, malware, and other threats by Federal employees and contractors in accordance with the Cybersecurity Enhancement Act of 2015.**

The following listing shows the current NCES Paperwork Reduction Act (PRA) OMB number and information collection title whose CIPSEA confidentiality pledge will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes:

OMB control No.	Information collection title
1850-0928	National Assessment of Educational Progress (NAEP) 2017

Education Sciences Reform Act of 2002 (ESRA 2002)

NCES sample surveys are governed by additional laws, one of which is the Education Sciences Reform Act of 2002 (ESRA 2002) (20 U.S.C. §9573). Under ESRA 2002, the information respondents provide can be seen only by statistical agency personnel or their sworn agents, and may not be disclosed, or used, in identifiable form for any other purpose, except in the case of an authorized investigation or prosecution of an offense concerning national or international terrorism. Under ESRA 2002, the Attorney General is permitted to petition a court of competent jurisdiction for an ex parte order requiring the Secretary of Education to provide data relevant to an authorized investigation or prosecution of an offense concerning national or international terrorism. Thus, ESRA 2002 affords many of the same protections as CIPSEA, except as noted previously, in the case of an authorized investigation concerning national or international terrorism. Under ESRA 2002, the following is the revised statistical confidentiality pledge for applicable NCES data collections, with the new line added to address the new cybersecurity monitoring activities bolded for reference only:

All of the information you provide 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 (20 U.S.C. §9573 and **6 U.S.C. §151**)

The following listing shows the current NCES Paperwork Reduction Act (PRA) OMB numbers and information collection titles whose ESRA 2002 confidentiality pledge will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes:

OMB control No.	Information collection title
1850-0631	2012/17 Beginning Postsecondary Students Longitudinal Study (BPS:12/17)
1850-0695	Trends in International Mathematics and Science Study (TIMSS 2019) Pilot Test
1850-0733	Fast Response Survey System (FRSS) 108: Career and Technical Education (CTE) Programs in Public School Districts
1850-0755	Program for International Student Assessment (PISA 2018) Field Test
1850-0852	High School Longitudinal Study of 2009 (HSLS:09) Second Follow-up Main Study
1850-0870	Program for the International Assessment of Adult Competencies (PIAAC) 2017 National Supplement
1850-0888	2018 Teaching and Learning International Survey (TALIS 2018) Field Test
1850-0911	Middle Grades Longitudinal Study of 2017-18 (MGLS:2017) Operational Field Test (OFT) and Recruitment for Main Study Base-year
1850-0923	ED School Climate Surveys (EDSCLS) National Benchmark Study
1850-0929	International Computer and Information Literacy Study (ICILS 2018) Field Test
1850-0931	NCER-NPSAS Grant Study - Connecting Students with Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes
1850-0932	NCER-NPSAS Grant Study - Financial Aid Nudges 2017: A National Experiment to Increase Retention of Financial Aid and College Persistence
1850-0934	Principal Follow-Up Survey (PFS 2016-17) to the National Teacher and Principal Survey (NTPS 2015-16)
1850-0803 v.174	The National Assessment of Educational Progress (NAEP) Oral Reading Fluency Pilot Study 2017
1850-0803 v.176	National Assessment of Educational Progress (NAEP) Survey Assessments Innovations Lab (SAIL) English Language Arts (ELA) Collaboration and Inquiry Study 2017
1850-0803 v.177	2017 Integrated Postsecondary Education Data System (IPEDS) Time Use and Burden Cognitive Interviews Round 1
1850-0803 v.178	ED School Climate Surveys (EDSCLS) Additional Item Cognitive Interviews – Set 2 Round 2
1850-0803 v.179	National Assessment of Educational Progress (NAEP) Pretesting of Survey and Cognitive Items for Pilot in 2017 and 2018
1850-0803 v.180	National Assessment of Educational Progress (NAEP) 2017 Feasibility Study of Middle School Transcript Study (MSTS)
1850-0803 v.181	National Assessment of Educational Progress (NAEP) Digitally Based Assessments (DBA) Usability Study 2017-18
1850-0803 v.182	2017 National Household Education Survey (NHES) Web Data Collection Test

OMB control No.	Information collection title
1850-0803 v.186	National Household Education Surveys Program 2019 (NHES:2019) Focus Groups with Parents of Students using Virtual Education
1850-0803 v.187	National Household Education Surveys Program (NHES) 2017 Web Test Debriefing Interviews for Parents of Homeschoolers
1850-0803 v.189	2017-2018 National Teacher and Principal Survey (NTPS) Portal Usability Testing
1850-0803 v.191	NCER- NPSAS Grant Study – Connecting Students with Financial Aid (CSFA) 2017 Cognitive Testing
1850-0803 v.190	International Early Learning Study (IELS 2018) Cognitive Items Trial
1850-0803 v.164	National Assessment of Educational Progress (NAEP) 2019 Science Items Pretesting
1850-0803 v.170	National Assessment of Educational Progress (NAEP) Survey Assessments Innovations Lab (SAIL) Pretesting Activities: Virtual World for English Language Arts Assessment
1850-0803 v.175	National Assessment of Educational Progress (NAEP) Science Questionnaire Cognitive Interviews 2017
1850-0803 v.184	NCER- NPSAS Grant Study – Connecting Students with Financial Aid (CSFA) 2017 Focus Groups
1850-0803 v.183	NCER-NPSAS Grant Study - Financial Aid Nudges 2017 Focus Groups
1850-0803 v.185	The School Survey on Crime and Safety (SSOCS) Principals Focus Groups