

RETENTION AND DISPOSAL:

Each affidavit will be kept for 5 years after the individual access to NCES confidential data has ceased and then will be transferred to the Federal Records Center, where it can remain up to 15 years before it is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Statistician & Individual Survey Project Officers, National Center for Education Statistics, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208-5574.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in this system of records, contact the system manager at the address listed above and provide your name, place of work (i.e. company, agency, etc.), and the dates of employment. Your request must meet the requirements in the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to records regarding you in this system of records, contact the system manager and provide your name, place of work (i.e. company, agency, etc.), and the dates of employment. Your request must meet the requirements in the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you, contact the system manager. Your request to amend a record must meet the requirements of 43 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Information in the records comes from individuals who have signed the affidavits of nondisclosure.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix to 18-13-02*Additional System Locations*

National Center for Education Statistics, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20202-5574.

U.S. Bureau of the Census, Federal Office Building 3, Washington, DC 20233.

WESTAT, 1650 Research Boulevard, Rockville, Maryland 20850.

Research Triangle Institute, P.O. Box 12194, Research Triangle Park, North Carolina 27709.

National Opinion Research Center, 1155 E. 60th Street, Chicago, Illinois 60637-2799.

Educational Testing Service, 1825 Eye Street, NW, Suite 475, Washington, DC 20006.

The Gallup Organization, One Church Street, Suite 900, Rockville, MD 20850.

MPR Associates, 1995 University Avenue, Suite 225, Berkeley, CA 94704.

Abt Associates, 55 Wheeler Street, Cambridge, MA 02138.

Pelavin Research Institute, 1,000 Thomas Jefferson Street, Suite 400, Washington, DC 20007.

Institute for Social Research, Survey Research Associates, University of Michigan, 426 Thompson, Ann Arbor, MI 48106.

School of Education, University of Michigan, 610 E. University, Ann Arbor, MI 48109.

18-13-03**SYSTEM NAME:**

National Center for Education Statistics' National Assessment of Educational Progress.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

WESTAT, 1650 Research Boulevard, Rockville, MD 20850.

Educational Testing Service, Rosedale Road, Princeton, NJ 08541.

National Computer Systems, 2510 N. Dodge Street, Iowa City, IA 52245.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information on the following individuals: (1) Individuals who leave school early as early graduates or as drop-outs (defined as 17-year-olds who are no longer in school) and are covered during a six month data verification period; (2) young adults in the study who are covered during a six month data verification period; and (3) individual schools which are covered under the National Assessment of Educational Progress (NAEP) statute (20 U.S.C. 9010 (c)(2)(A)).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain responses to assessment and survey instruments. The contents of these instruments are of two types: (1) Cognitive test items to assess the educational achievement of students and young adults in various subject areas taught in school; and (2) questions about student demographic and background variables as well as the characteristics of teachers and schools.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 9010.

PURPOSE(S):

The purpose of the National Assessment of Educational Progress (NAEP), funded by the Department of Education, is to provide information on the educational achievement of young Americans over time.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

During a six-month verification period, individually identifiable information about individuals who leave school early or are young adults is subject to the Privacy Act, and may be disclosed under routine uses that are consistent with the Commissioner's authority under section 406(d)(4) of GEPA (20 U.S.C. 1221e-1(d)(4)). The routine uses that apply to this period permit disclosures to individuals who:

(1) Take the oath and sign an affidavit of nondisclosure required under 20 U.S.C. 9007;

(2) Work for a contractor, grantee, or party to a cooperative agreement or other entity that has an agreement with the Commissioner to conduct research for National Center for Education Statistics (NCES), or

(3) Work under a research contract, grant, or cooperative agreement with a Federal, State, or local agency that requires the use of individually identifiable information, and the research is compatible with the purpose for which NCES collected the data, or

(4) Work under an agreement in writing to:

(i) Use the information for statistical purposes only,

(ii) Maintain the data in accordance with applicable Federal laws,

(iii) Prohibit redisclosure in identifiable form, and

(iv) Permit NCES' periodic inspection to determine adherence to the contract or agreement.

Regarding the records of individual schools, which, under 20 U.S.C. 9010(c)(2)(A), must be treated as individuals subject to the Privacy Act, NCES may make routine use disclosures, consistent with the statistical purposes for which a record was supplied, as follows:

(1) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose

the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(2) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to maintain Privacy Act safeguards with respect to the disclosed records.

(3) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(4) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(5) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, ED may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department of Education, or any component of the Department; or
- (ii) Any Department employee in his or her official capacity; or
- (iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;
- (iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If ED determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

POLICIES AND PRACTICES FOR RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on magnetic tape and computer disk media.

RETRIEVABILITY:

Records are retrievable by assessment year, subject area, age or grade at the school or individual respondent level.

SAFEGUARDS:

Access to the restricted-use data files and completed test booklets and forms is severely limited to key contractor and NCES staff. User access to the restricted-use data files has three levels of data access protection. Access to the files is restricted to authorized NAEP staff who have a valid need for immediate access to NAEP data. This access is controlled and monitored by the use of secure "log-on" identification and password protection schemes. Access to individual restricted-use data files is controlled by an access control facility that restricts users to only those files that are necessary and approved for their perusal. In addition, the restricted-use data files are backed-up to an off-site secure location that will protect NAEP data in the event of a computer center disaster. This off-site storage is in a secure vault that is physically protected from unauthorized entry. The open-ended responses are stored in a secure warehouse with access limited to NAEP project staff.

RETENTION AND DISPOSAL:

The NAEP restricted-use data files are stored in a secure computer facility. The security mechanism includes physical security, data security, and disaster recovery capability. The computer facility is housed within a fire-resistant masonry and steel door structure. Physical access to the facility is electronically controlled through magnetically imprinted identification badges and is limited to authorized staff who have functional responsibilities within the secured areas. Open-ended responses are kept indefinitely. However, data that could be used to identify individuals are destroyed six months after collection.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Educational Assessment Division, National Center for Education Statistics, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 308C, Washington, DC 20208-5653.

NOTIFICATION PROCEDURES:

If you wish to determine whether a record regarding you exists in this system of records, you should contact the system manager at the address listed above and provide your name, date of birth and social security number. Your requests must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record in this system of records, you should contact the system manager and provide the information described in the Notification Procedures. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest information contained in this system of records, you should contact the system manager. You should specify the particular record you are seeking to amend, whether a deletion, an addition, or a substitution is being sought and the reason(s) for the requested change(s). Your request should meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

The information in this system comes from the data collected from the subject individuals and individual schools.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.