

transcripts are appended to the records as well.

The records for schools and local education agencies contain information on numbers and characteristics of teaching staff, administrators, financial and demographic data, and data related to student performance. The records related to teachers and administrators contain, in addition to the above, information on training and experience, salary history, and attitudes and opinions on educational and operational questions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
20 U.S.C. 1221e-1.

PURPOSE(S):

This system is used to describe the critical influences, contexts, and transitions of students in elementary, secondary, and postsecondary education and into employment and adult experience.

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 purpose 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.

(1) *Contract Disclosure.* When the National Center for Education Statistics intends to contract with a private firm for the purpose of collating, analyzing, aggregating, maintaining, appending, or otherwise refining records in this system, the Commissioner of Education Statistics may release relevant records to the contractor. The contractor will be required to maintain safeguards under the Privacy Act of 1974 and under section 406(d)(4) of GEPA (20 U.S.C. 1221e-1(d)(4)) with respect to such records.

(2) *Research Disclosure.* Where the Commissioner of Education Statistics determines that an individual or organization is qualified to carry out specific research, the Commissioner may disclose information from these systems of records to that researcher solely for the purpose of carrying out that research. The researcher shall be required to maintain under the Privacy Act of 1974 and 20 U.S.C. 1221-e1(d)(4) safeguards with respect to such records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

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

STORAGE:

The research files will be stored on computer tapes and diskettes. The location files will be kept on computer tapes.

RETRIEVABILITY:

The records are retrievable by title of survey and name of person.

SAFEGUARDS:

The research files and location files are not directly mergeable in the form maintained and stored. The identification codes on each file are different. They can be related by use of an encryption algorithm known to only a few authorized staff. Copies of the computer tapes and discs containing the location files are stored with three levels of password protection. Hence, immediate access to the location files is possible only by authorized staff. When in active use for editing, tabulation and analysis, files of information and identifiers will not be kept together unless necessary for processing the data. The files will be accessed only through approved identification of the user and the use of passwords. Passwords will be changed at the conclusion of each period of use and returned to storage. Tapes, discs and questionnaires will be kept in locked files in locked rooms.

RETENTION AND DISPOSAL:

The records will be kept for five years after the final survey administration, including the base year survey and any following surveys and then transferred to the Federal Records Center, where, after 15 years, they will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commissioner, National Center for Education Statistics, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 400, Washington, DC 20208-5574.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager at the address listed above. Your request must meet the requirements in the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to a record regarding you, contact system manager.

Your requests must meet the requirements in the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORDS PROCEDURE:

If you wish to contest the content of a record regarding you, contact the system manager. Your request must meet the requirements in the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Information in the records comes from responses to survey instruments.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix to 18-13-01

Additional System Locations

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, California 94704.

Abt Associates, 55 Wheeler Street, Cambridge, Massachusetts 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.

18-13-02

SYSTEM NAME:

National Center for Education Statistics Affidavits of Nondisclosure.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See the Appendix to this system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information on employees of the National Center for Education Statistics (NCES) or other persons who assist NCES in the performance of its work, who have access to any record, response form, completed survey or aggregation thereof from which information about individual students, teachers,

administrators, or other individual persons may be revealed, and who have signed a pledge not to disclose such information. Other persons who may assist NCES include employees of companies, profit or nonprofit organizations, State agencies, local agencies or instrumentalities having a contract, task order, interagency agreement, or some other formal agreement with NCES and who have access to individually identifiable information.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the following information:

(1) The affidavit of nondisclosure that includes the individual's name, place of work (company, agency, etc.), signature, and date signed; and

(2) the name of the project or survey in which the entity employing the individual was involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 406(d)(4) of the General Education Provisions Act, as amended by Title III, Part A, Section 3001, of Public Law 100-297, April 28, 1988 (20 U.S.C. 1221e-1(d)(4)).

PURPOSE(S):

This system of records is used for the following purposes: (1) To maintain information necessary for internal control and monitoring of those having access to individually identifiable information; (2) to provide evidence in disciplinary actions or prosecution of individuals who disclose individually identifiable information protected from disclosure under Section 406(d)(4) of the General Education Provisions Act, as amended; and (3) to ensure that individuals utilized by the Commissioner of NCES protect the individually identifiable data of NCES.

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

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 purpose 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.

(1) *Contractor Disclosure.* A record may be disclosed from this system of records to employees of entities having a contract or other agreement with the

Commissioner to assist in the collection of data on behalf of NCES to ensure that these entities maintain an accurate file of individuals who have access to individually identifiable information in performance of their duties under the contract or other agreement.

(2) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(3) *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, the Department 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 in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee; or

(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.

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

(5) *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.

(6) *Parties, counsels, representatives and witnesses.* If the Department 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.

(7) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(8) *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.

(9) *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 under 5 U.S.C. 552a(m) with respect to such records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

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

STORAGE:

Information will be kept in file folders and on computer diskettes or computer tapes.

RETRIEVABILITY:

The records will be retrievable by name, date, and place of work of the individual.

SAFEGUARDS:

The records will be kept in locked files. The computer tapes and diskettes will be accessible by authorized personnel through identification number and password.

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