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The debate over federally-regulated education dates back to the 1800s, and today there is still controversy surrounding the authority of the Department of Education. This paper will briefly discuss the history of the Department of Education's establishment, and will go into detail about one of the department's offices—The Office of Educational Research and Improvement (OERI), which was renamed the Institute of Educational Sciences (IES) in 2002. Without OERI's research and dissemination efforts, education improvements and reform would be impossible. However, the mission of OERI has changed over the years. OERI was established to be a parent agency for existing educational research agencies, whereas today IES has complete control over all educational research, dissemination, *and* provides technical assistance to educational programs throughout the country. This shift in mission is indicative of how federally-regulated education has changed throughout the years.

On March 2, 1867, the 39th Congress established a Cabinet-level Department of Education under Pub. L. 39-73, 14 Stat. 434. The purpose behind establishing the department was:

Collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories...[to] promote the cause of education throughout the country. (Garfield, 1866, p. 2966)

It is important to note here that the original Department of Education was established to focus on collecting and disseminating statistics, with the hope that the information would improve State and Local education systems. However, perhaps because of the simplicity of the department's

mandate, the 40th Congress demoted the department to the Office of Education and placed it in the Department of the Interior (United States Congress, 1868). In 1870, the 41st Congress renamed it the Bureau of Education and a commissioner was appointed to oversee its functions (United States Congress, 1870). In 1930, the name was switched back to Office of Education under that year's appropriation act (20 U.S.C. Title 20, Sec. 91). At this point, the Office of Education had no administrative duties other than to report on the status of the country's educational systems and to manage funds for agriculture and technical schools (Educational News and Editorial Comment, 1930, p. 161). The Office stayed in the Department of the Interior until 1939, when the 76th Congress moved it to the newly created Federal Security Agency, established under Reorganization Plan No. 1 (Pub. L. 76-19, 53 Stat. 1423; Roosevelt, 1939). In 1953, the office was moved again to the newly-created Department of Health, Education, and Welfare (HEW), established under another Reorganization Plan No. 1 (5 U.S.C. Title 5). In 1972, the Education Amendments Act (Pub. L. 92-318, Title III, Sec. 301) created an Education Division within HEW, composed of the Office of Education and the previously independent National Institute of Education. With this promotion to a division within HEW, it was clear that the federal government was getting ready to increase their involvement in State and Local education systems.

After more than 100 years of limited federal involvement in education, the Department of Education Organization Act of 1979, Pub. L. 96-88, 93 Stat. 668, was signed by President Carter on October 17, 1979. This law made the Department of Education the 13th Cabinet department. The purpose of creating the Department of Education was to "ensure that education issues receive proper treatment at the Federal level, and...enable the Federal Government to coordinate its education activities more effectively" (Pub. L. 96-88, Title I, Sec. 102). However, the law was

clear that the newly-created department would only “supplement and complement the efforts of the States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, community-based organizations, parents, and students” (Pub. L. 96-88, Title I, Sec. 102) and the law would “not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the State” (Pub. L. 96-88, Title I, Sec. 103). However hands-off the language in the law seemed, the department established many new offices that suggested more involvement in all areas of education. These offices included: (1) Office for Civil Rights; (2) Office of Elementary and Secondary Education; (3) Office of Postsecondary Education; (4) Office of Vocational and Adult Education; (5) Office of Special Education and Rehabilitative Services; (6) Office of Education for Overseas Dependents; (7) Office of Educational Research and Improvement (OERI); (8) Office of Bilingual Education and Minority Languages Affairs; (9) Office of General Counsel; and (10) Office of Inspector General (Pub. L. 96-88, Title II, Sec. 203-212). It is important to note that along with establishing these offices, the department was also tasked with upholding the Elementary and Secondary Education Act (ESEA) of 1965 (Pub. L. 89-10) and the amendments (1966: Pub. L. 89-750; 1968: Pub. L. 90-247). The ESEA established areas (Titles) of education eligible for federal funding, the most important of which is Title I: Financial assistance to local educational agencies for the education of children of low-income families. The Department of Education, and OERI, would have a huge role to play in Title I funding throughout its history.

This paper will focus on tracing the history of OERI from its establishment in the 1979 Department of Education law to the present day. The mandate for OERI in Pub. L. 96-88 was simple, ruling that the office was in charge of “such functions concerning research, development,

demonstration, dissemination, evaluation, and assessment activities as the Secretary shall delegate” (Pub. L. 96-88, Title II, Sec. 209). At that time, there were many agencies already dedicated to educational research, such as the National Institute of Education (NIE), the National Science Foundation (NSF), and the National Center for Education Statistics (NCES). Rather than expand these agencies or try to build a cross-collaborative new institute, Congress decided to create OERI as a “holding company for NIE, NCES, Library Programs, and some other discretionary and dissemination activities. OERI was to provide some overall guidance and coordination, but to allow the main entities to operate semi-autonomously” (Atkinson & Jackson, 1992, p. 59). This hands-off authority was in line with the mission of Pub. L. 96-88—that the Department of Education would provide supplemental assistance to already existing programs. In the Committee on Governmental Affairs Report for Pub. L. 96-88, the Committee explained the structure of OERI. Specifically, their report assigned or suggested (as indicated) the following existing activities be placed in units under OERI’s umbrella: (1) All elements of science education programs in NSF (assigned); (2) NIE (suggested); (3) Fund for Improvement of Postsecondary Education (assigned); (4) Non-broadcast Telecommunications Program, previously in HEW (assigned); (5) NCES’s activities that involve research on the condition and future of American education (suggested); (6) Authority to conduct policy-related research studies (suggested); (7) Existing programs aimed at supporting changes to curriculum and science-related programs (suggested); (8) Programs aimed at enhancing educational institutional capacity to change how they redefine Titles IV-VIII of the ESEA (suggested); and (9) Scattered educational policy studies (suggested) (Committee on Governmental Affairs, 1978, p. 71–72). The Committee’s intentions for OERI’s functions and authority, as outline in their report, were vague. For example, the Committee's “suggested” OERI functions would most definitely overlap with already established

independent, State, and Local research, assessment, statistical, and dissemination programs (e.g., NIE and NCES). This was dangerous ground given the Department of Education's "supplemental assistance" policy stated previously. However, even with the department's hands-off mandate, the Committee's report and the law itself gave the Secretary of Education authority "to assign and reassign existing programs among units of the new Department, including the research and improvement unit" (Committee on Governmental Affairs, 1978, p. 71) and other assessment "activities as the Secretary shall delegate" (Pub. L. 96-88, 93 Stat. 668). This language is very open-ended and gave the Secretary of Education a lot of authority.

This authority was the impetus for the next reorganization of OERI. In 1985, Secretary of Education William Bennett printed a press release in *The US Department of Education News* saying that NIE would be abolished and moved to OERI (NARA, 1995). This directive was made official in 1986 with Pub L. 99-498, 100 Stat. 1597, which discontinued NIE and NCES and moved their activities to units within OERI (Boren, 1987, p. 93; Andriot, 1994). OERI now had five units: Office of Research; Center for Education Statistics; Programs for the Improvement of Practice; Library Programs; and Information Services (Atkinson & Jackson, 1992, p. 59). Additionally, OERI was now solely responsible for running the National Assessment of Educational Progress (NAEP)—the largest national assessment of America's students (Institute of Education Sciences, 2014). OERI also had to assemble separate committees and advisory councils to ensure data collection and reporting for the NAEP was adequately performed (Boren, 1987, p. 94-95). The functions of OERI had changed drastically in six short years, from overseeing existing activities to having complete authority over all educational research, assessments, and dissemination. It seemed that the intention of Pub. L. 96-88 was being overshadowed by the federal government's need to have control over how educational programs, including federally-

funded (e.g., Title I) ones, were being assessed.

Perhaps because of this increased authority, OERI was reorganized again with the Goals 2000: Educate America Act (Pub. L. 103-227). The mission of OERI, which had not changed since the original 1979 law, was rewritten to the following:

(i) expanding fundamental knowledge and understanding of education; (ii) promoting excellence and equity in education; and the achievement of the National Educational Goals by spurring reform in the school systems of the United States; (iii) promoting the use and application of research and development to improve practice in the classroom; and (iv) monitoring the state of education. (Pub. L. 103-227, Title IX-A, Sec. 912).

This mission was no longer focused on collecting and disseminating data, but on *using* that data to “spur reform” and “improve” classroom practice. This would be done through providing funding, which OERI had limited involvement with previously. OERI was, once again, restructured into five new research institutes, a national dissemination system, and the National Library of Education. The new OERI structure was as follows: (1) The National Institute on Student Achievement, Curriculum, and Assessment; (2) The National Institute on the Education of At-Risk Students; (3) The National Institute on Early Childhood Development and Education; (4) The National Institute on Educational Governance, Finance, Policymaking, and Management; (5) The National Institute on Postsecondary Education, Libraries, and Lifelong Learning; (6) The Office of Reform Assistance and Dissemination; and (7) The National Library of Education (Department of Education, 1994). OERI was also charged with establishing federal regulations for “the functions and responsibilities of these new organizational components, the priorities that should govern their work, and the mix of activities that would best serve OERI's mission” (Department of Education, 1994). OERI developed seven priorities for their new structure, all of which focused on improving education, assessments, and holding education programs accountable (Department of Education, 60 FR 47816, 1995). Now that OERI was responsible for

funding educational programs both for research *and* improvement (e.g., professional development), they established grant awardee requirements including: (1) OERI must be able to monitor ongoing progress; (2) awardees must reserve 5% of the grant budget to participate in OERI activities, and (3) awardees must synthesize results for dissemination (Department of Education, 60 FR 47816, 1995). This was a huge step in OERI's involvement in education, no longer was the federal government going to hope that the statistics and data would cause improvements, they were going to proactively make those improvements.

The agency faced its next, and final, major upheaval in 2002 with the Education Sciences Reform Act of 2002 (Pub. L. 107-279). Before the law was passed, Congress debated the reauthorization of OERI, especially with the No Child Left Behind Act (NCLB) of 2001 (Pub. L. 107-110). NCLB is a much debated and complicated law, but—to put it simply—NCLB made ESEA Title I funding based on performance in the NAEP rather than need (NCES, 2005). As mentioned previously, the NAEP was managed by OERI, so now the office had major control over the future of federally-funded education programs. In light of these new education reforms, a series of hearings were held on the reauthorization of OERI: Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor, and Pensions, June 17, 1999 and June 25, 2002; Subcommittee on Early Childhood, Youth and Families, May 4, 2000 and May 11, 2000; Subcommittee on Education Reform July 17, 2001 and February 28, 2002 (Committee on Education and the Workforce, 2002, p. 25-26). The Committee on Health, Education, Labor, and Pensions hearing on June 25, 2002 shared OERI's inability to fulfill its mission due to “regulatory burdens” not felt by independent education agencies such as National Institutes of Health and NSF, and the burden of delivering educational and technical program assistance, rather than just performing statistical research: “It is very difficult for us to fulfill the

role of nonpartisan evaluation of education programs when we are delivering some of the same programs we are supposed to be evaluating” (Committee on Health, Education, Labor, and Pensions, 2003).

After much debate, the Education Sciences Reform Act of 2002 decided to keep OERI, but changed the name to the Institute of Education Sciences (IES) with a Director at its head. The new Institute had the following mission:

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; (B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and (C) the effectiveness of Federal and other education programs. (Pub. L. 107-279, Title I-A, Sec. 111)

This mission looked similar to the original OERI mission, with a focus on disseminating information, rather than proactively making improvements. However, once again, the new structure of IES would suggest otherwise. IES now had the following units: (1) Office of the Director; (2) National Board for Education Sciences; (3) National Center for Education Research; (4) National Education Center for Education Statistics; and (5) National Center for Education Evaluation and Regional Assistance. The National Library of Education and the Educational Resource Information Collection (ERIC) were absorbed by the National Center for Education Evaluation and Regional Assistance (Pub. L. 107-279, Title I-A, Sec. 111). The National Center for Educational Evaluation and Regional Assistance would also provide “technical assistance” through grants and contracts, under Pub. L. 107-27, Title II authority. “Technical assistance” was defined as: “assistance in **identifying, selecting, or designing solutions** based on research, including professional development and high-quality training to **implement solutions**...other assistance necessary to encourage the **improvement of teaching**

and learning” (Pub. L. 107-27, Title IV, Sec. 102; bold formatting added for emphasis). The new IES structure was far more compartmentalized than its many previous incarnations; units now had research focuses, rather than subject focuses (i.e., separate units for research, statistics, and dissemination rather than separate units for adult, bilingual, and elementary education). However, the National Center for Educational Evaluation and Regional Assistance was tasked with disseminating results, and then using those results to implement change through “technical assistance”—a very broad term. This didn’t fit in with the mission of IES, but was indicative of how much authority the Department of Education had over setting education standards and then helping State and Local education systems meet those standards. Additionally, IES’s authority grew once again in 2004 with Pub. L. 108-446, which established the National Center for Special Education Research as the sixth unit within IES. This IES structure continues into the present day.

The IES website reflects the control the office has over educational research and technical assistance funding, but does make an effort to be transparent in their dissemination of research data and statistics. The IES is almost entirely reliant upon their third-party, funded research programs to provide most of the data they share on their website. This is especially prominent in their data sharing policy. In FY 2012, IES began requiring all activities supported by IES grants, agreements, and contracts to share their data on the IES website for public review and use (IES, 2012). However, they make it the responsibility of the research programs to “develop a data sharing plan that protects the rights of study participants and confidentiality of the data, as required by their IRB and state and federal laws and regulations” (IES, 2012). It is clear from this statement that there is a disconnect between IES and the researchers, and although IES is making efforts to use their website to share information, there needs to be more

collaboration between the federal government and the public.

IES has a very thorough website, with a lot of datasets, databases, and articles available to the public, the website reflects the compartmentalized structure, which is more organized than the office's predecessor (OERI). However, the IES website makes it clear that the office has also been given more control over assessments of education systems, the results of which affect federal funding. IES also has the ability to provide technical assistance funding to improve assessment results. OERI originally had an extremely simple mission statement: "research, development, demonstration, dissemination, evaluation, and assessment activities" (Pub. L. 96-88, Title II, Sec. 209) and the 1978 Senate Report on the Department of Education law was open-ended, with suggestions on how the office *could* be organized, but no official mandates (Committee on Governmental Affairs, 1978). The vague mission statement, open-ended Senate report, and the overarching authority of the Secretary of Education led to the department taking a more prominent role in developing assessment and funding standards (as seen with the NCLB law). Without IES, the federal government would not be able to set standards for education, develop assessment tests, or decide what programs need funding. Therefore, the office's research, dissemination, and technical assistance grants are vital to the sustainability of current educational programs. This level of control was not what the original Department of Education law intended, but years of policy reforms have caused the country's educational systems to rely heavily on federal guidance and funding.

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