

**§ 9006. Advisory Council on Education Statistics****(a) Establishment**

There is established, within the Center, the Advisory Council on Education Statistics (hereafter in this chapter referred to as the "Council").

**(b) Membership****(1) Composition**

The Council shall be composed of—

(A) 18 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education, of whom at least—

- (i) three shall be practicing educators;
- (ii) three shall be education policy-makers;
- (iii) three shall be professional statisticians;
- (iv) three shall be education researchers; and
- (v) three shall be experts in educational measurement;

(B) three individuals representing the general public, appointed by the Secretary;

(C) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and

(D) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

**(2) Presiding officer**

The Commissioner shall appoint the presiding officer of the Council from among the voting members of the Council.

**(3) Terms**

Members of the Council appointed under paragraph (1)(A) shall be appointed for three-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than six members in the same calendar year.

**(4) Meetings**

(A) The Council shall meet in public session at the call of the presiding officer, except that the Council shall meet—

- (i) at least two times during each calendar year; and
- (ii) in addition, whenever ten voting members request in writing that the presiding officer call a meeting.

(B) Eleven voting members of the Council shall constitute a quorum.

**(5) Special rule**

The Council shall—

(A) review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence; and

(B) advise the Commissioner and the National Assessment Governing Board on technical and statistical matters related to the

National Assessment of Educational Progress.

**(6) Staff**

The Council shall appoint a staff of not more than six individuals with technical expertise to enable the Council to carry out its duties.

(Pub. L. 103-382, title IV, §407, Oct. 20, 1994, 108 Stat. 4033.)

## TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9010, 9011 of this title.

**§ 9007. Confidentiality****(a) Confidentiality standards****(1) In general**

(A) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this chapter.

(B) This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

**(2) Prohibition**

No person may—

(A) use any individually identifiable information furnished under this chapter for any purpose other than a statistical purpose;

(B) make any publication whereby the data furnished by any particular person under this chapter can be identified; or

(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

**(b) Administration****(1) In general**

No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this chapter, shall require, for any reason, copies of reports that have been filed under this chapter with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of the Center's employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).