

# Congress of the United States

Washington, DC 20510

February 24, 2017

The Honorable Betsy DeVos  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary DeVos:

The U.S. Department of Education (“Department”) plays an important role in implementing federal education laws as well as ensuring taxpayer dollars are spent wisely and in pursuit of better outcomes for our nation’s children and students. Your recent comments about restructuring the Department and federal programs have raised important questions about your upcoming efforts.

In a recent interview, you stated you can already “guarantee that there are things that the Department has been doing that are probably not necessary or important for a federal agency to do” and that in order to determine which functions are unnecessary or unimportant, you will be “examining and auditing and reviewing all of the programs of the Department.”<sup>i</sup> These comments raise questions on the purpose or goal of the review or the criteria by which you will be judging programs and units for their importance, mission, and efficacy, as well as any involvement or consultation of stakeholders, including seeking input from parents, teachers and staff of education systems, students, advocates, and community members.

In addition, President Trump ordered a hiring freeze of most federal civilian employees as of January 22, 2017, and directed the Office of Management and Budget and the Office of Personnel Management to prepare a long term plan to reduce the size of the federal workforce. There have also been reports the Trump Administration is considering reducing the number of deputy assistant secretaries and eliminating the position of Under Secretary.<sup>ii</sup> Qualified and effective staff is critical to fulfill the Department’s mission and responsibilities. In fact, previous Department budget requests have noted that current staff levels fall significantly short, endangering the Department’s capacity to fulfill and enforce legal obligations in areas such as student aid, civil rights protections, campus sexual assault and campus crime reporting, oversight and management of federal contracts, and data infrastructure and security.

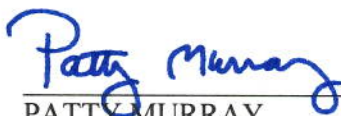
The Department exists to serve students, parents, teachers, communities, and taxpayers. In order to understand further your plans for an audit and any actions you may propose as a result of this review, we request you provide our staff with answers to the following questions by March 3, 2017:

- What is the criteria and rationale for this wide-scale audit, including the evidentiary standards used for determining program success and plans for improvement?
- How and when will you engage with stakeholders, including program grantees and researchers, regarding programs that are on the target list?
- Will you commit to briefing Congressional authorizing and appropriations majority and minority staff before announcing or proposing any programmatic or staffing changes related to your audit findings?
- What type of data and evidence will you examine in your audit process, including any information on program effectiveness and the ability to adequately serve the needs of students

- and families? How did you determine the data and evidence to use in your audit?
- What is the precise timeline for your audit, decision-making process, and any implementation of your recommendations?
  - Will the Office of General Counsel be involved in the audit and give their approval for any final recommendations or decisions?
  - Will this audit utilize career staff in the audit process, or only political appointees?
  - Do you commit to not subvert any authorizing statutes or appropriations laws, including longstanding tradition of respecting Congressional intent expressed in accompanying reports?
  - Will every office in the Department be subject to this audit and will you articulate detailed reasons for any offices that may be excluded?
  - Will the White House staff be involved in this audit? If so, why and how will they help inform the audit?
  - How will you utilize previous agency audits, including the analysis of the Department's capabilities conducted as part of its annual budget request process?
  - How are you addressing findings and recommendations from the Office of the Inspector General in your audit? If you are not addressing all open recommendations, why not?
  - Will your audit look at programs, staffing, offices, or all of the above?
  - Do you commit to maintaining all current levels of federal program, personnel, and services available for students, and if not, how will you calculate the negative impact of any reduction in program, personnel, and services implemented as a result of your audit findings?
  - In considering the contours of your audit, how will you recognize the longstanding role of protecting and enforcing civil rights laws covering educational systems? How will this principle affect the Department's willingness to propose cuts to programs serving low-income students, students with disabilities, English language learners, students of color, or other vulnerable populations?

In addition to answering the above questions, we request you publish the methodology and results of the audit to the public and commit to briefing the Senate Health, Education, Labor and Pensions Committee, the Senate Appropriations Subcommittee on Labor, Health, and Human Services, Education, and Related Agencies, the House Education and the Workforce Committee, and the House Appropriations Subcommittee on Labor, Health, and Human Services, Education, and Related Agencies about the scope and content of this audit before making final decisions with respect to proposals being considered as a result of your audit. Thank you for your attention to this critical matter.

Sincerely,



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PATTY MURRAY  
Ranking Member  
Senate Health, Education, Labor, and Pensions  
Committee



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ROBERT C. "BOBBY" SCOTT  
Ranking Member  
U.S. House of Representative Committee on  
Education and Workforce

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<sup>i</sup> Ujifusa, Andrew. Education Week: Politics K-12 Blog. "Betsy DeVos: I'll Look for Unnecessary Programs to Cut at the Education Dept." February 14, 2017. <http://blogs.edweek.org/edweek/campaign-k-12/2017/02/betsy-devos-programs-to-cut-education-department.html>

<sup>ii</sup> Klein, Alyson. Education Week: Politics K-12 Blog. "What's Up With the Staffing of Betsy DeVos' Education Department." February 15, 2017.

<http://blogs.edweek.org/edweek/campaign-k-12/2017/02/a-look-at-staffing-betsy-devos.htm>