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February 21, 2024

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202

Dear Secretary Cardona:

As you know, I wrote to you in August of last year and raised several questions about the National Assessment of Educational Progress ("NAEP") contracting process. I received Assistant Secretary for Legislation and Congressional Affairs Gwen Graham's response on September 29. I remain concerned, however, about a contracting process that may stifle competition and discourage innovation.

In 2022, the National Academies of Sciences, Engineering, and Medicine ("NASEM") provided recommendations for the Department to improve the future success of the NAEP program.<sup>1</sup> The NASEM report recommended various program management and cost containment reforms. In Appendix C of the Institute of Education Sciences' (IES) Fiscal Year 2023 Operating Plan, you will find the NASEM recommendations and IES's planned and implemented actions.<sup>2</sup> Unfortunately, it appears that no meaningful improvements or changes to the current NAEP structure or process have been made so far. While I appreciate Assistant Secretary Graham's response letter, I was disappointed at the lack of clarity on the deliverables and any indication of a timeline for the Cost Structure Review.

The Committee on Education and the Workforce remains committed to its oversight responsibilities, and thus I request further information from the Department. Please produce the following documents (instructions attached) no later than 14 calendar days (March 6, 2024) after receipt of this letter:

1. The final report and any supplemental materials produced over the course of the independent audit of National Assessment Governing Board (NAGB) financials for the

<sup>1</sup> Nat'l Academies of Sciences, Engineering, and Medicine, A Pragmatic Future for NAEP: Containing Costs and Updating Technologies (2022).

<sup>2</sup> Institute of Education Sciences, Fiscal Year 2023 Operating Plan 28 (2022).

period of FY 2017 through FY 2021, including all communications between NAGB board members and staff and the auditor.<sup>3</sup>

2. The complete presentation, accompanying materials, a full transcription of the meeting, meeting minutes, and attendees of the independent audit presentation to NAGB in May 2023.
3. Any and all NAGB meeting minutes and full transcriptions of meetings from 2022 or 2023 (including from any closed sessions) where the NASEM report and the Internal Controls Assessment Report<sup>4</sup> were discussed in any way.
4. The complete presentation, accompanying materials, meeting minutes, and attendees of the *NAEP Budget Workshop* as given at the NAGB meetings in 2022.
5. The complete presentations, accompanying materials, a full transcription of the meetings, meeting minutes, attendees, and dates of any additional presentations of the *NAEP Budget Workshop*.<sup>5</sup>
6. A list of anticipated deliverables and associated deadlines or target dates for the Cost Structure Review from the National Center for Education Statistics.<sup>6</sup>

I look forward to your timely response.

Sincerely,



Virginia Foxx  
Chairwoman  
U. S. House Committee on  
Education and the Workforce

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<sup>3</sup> *Id.*

<sup>4</sup> National Assessment of Educational Progress (NAEP) Internal Controls Assessment Report (2022).

<sup>5</sup> *Supra* note 2.

<sup>6</sup> *See id.* at 32; Internal Controls Report at 5.