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EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
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August 30, 2023

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

Dear Secretary Cardona:

This letter is in reference to your analysis and views of the National Assessment of Educational Progress (NAEP) contracting reform recommendations included in a third-party internal controls report (enclosed). This report was authorized by the Institute of Education Sciences (IES) dated September 22, 2022, and authorized and paid for by the National Center for Education Statistics (NCES), one of the four centers of IES. In a related matter, I also write to seek clarity about why the award announcement of a \$1.2 million contract by NCES to the Assessment Solutions Group LLC (Solutions Group) was not publicized, and to better understand steps the Department of Education (Department) took to protect against potential conflicts of interest.<sup>1</sup>

As you may know, the report assesses the internal controls of the NAEP, including both the procurement processes used for NAEP as well as NCES's contract and vendor management practices.<sup>2</sup> Among other things, the report evaluates the current NAEP Alliance contract structure, which is an interdependent group of nine separate contracts used by the NCES to administer NAEP.<sup>3</sup> It also assesses alternate contracting approaches, including one smaller NAEP Alliance with many more stand-alone contracts, multiple smaller alliances with some stand-alone contracts, and all stand-alone contracts.<sup>4</sup>

The report recommends increasing competition, decreasing costs, and better aligning contractors to NAEP workstreams based on their capabilities.<sup>5</sup> The report also presents potential issues with respect to the risk of mishandling personally identifiable information, failing to validate

<sup>1</sup> Contract between U.S. Department of Education and Assessment Solutions Group LLC, Jan. 27, 2023.

<sup>2</sup> U.S. Dep't of Educ., Inst. of Educ. Sci., National Assessment of Educational Progress (NAEP) Internal Controls Assessment Report Final (2022).

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.* at 9.

<sup>5</sup> *Id.* at 18.

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information disseminated to the public, and errant educational policies that result from the Nation's Report Card.<sup>6</sup> The report suggests that, to mitigate these risks, the NCES should improve contract oversight, better manage vendor performance, and advise responsible parties on the actions to be taken to maintain a robust compliance plan to ensure adherence to applicable laws, regulations, and standards.<sup>7</sup>

The second issue is regarding the \$1.2 million Solutions Group contract for conducting a second review of the internal controls and cost structures to administer NAEP, including "all work processes and their impact on cost, from study design through dissemination of [NAEP] data."<sup>8</sup> My understanding is that no award notice with details of the work to be performed was issued. Further, I am concerned that the vendor, Solutions Group, may or could have a conflict of interest given several members of the Solutions Group have longstanding ties to NAEP.

Considering the two foregoing issues, please take the following steps:

- (1) Please carefully review the internal controls report and its recommendations in collaboration with the Director of IES, the NCES Commissioner, and the Deputy Assistant Secretary for Acquisition, Grants, and Risk Management and provide me with your analysis and views on the recommendations for procurement processes as well as on contractor and vendor management practices.
- (2) Please explain why the award announcement for the contract with the Solutions Group was not publicized on [SAM.gov](https://www.sam.gov) in accordance with the Federal Acquisition Regulations Part 5, and consistent with public interest in transparency.<sup>9</sup>
- (3) Please provide me with all steps the Department took before awarding the contract to the Solutions Group to ensure that it could perform an independent analysis of the internal controls and cost structures as well as how the results of the review will be used.

Please submit written responses to the above requests and questions no later than September 13. I look forward to hearing from you.

Sincerely,



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

Attachment

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 18, 21.

<sup>8</sup> Contract between U.S. Department of Education and Assessment Solutions Group LLC, Jan. 27, 2023 at 34.

<sup>9</sup> Fed. Acquisition Reguls. for Publicizing Cont. Actions, Pt. 5, Subpts. 5.2-5.3.