



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

December 9, 2016

The Honorable Thad Cochran
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairman Cochran:

I am writing to follow up on section 8205 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), which includes certain requirements related to Department full-time equivalent (FTE) staffing for programs that were eliminated or consolidated by the ESSA.

Earlier this year, consistent with the requirements of section 8205, the Department published on its website information showing the number of FTE employees working on each of the programs authorized by the ESEA as it existed on the day before enactment of the ESSA. This information is available at <http://www2.ed.gov/about/overview/budget/eseafte2016.pdf>.

The information on the Department's web site includes the number of FTE employees working on the six programs previously authorized by the ESEA that were eliminated or consolidated by the ESSA: School Improvement Grants, Mathematics and Science Partnerships, Transition to Teaching, Advanced Placement, Elementary and Secondary School Counseling, and the Physical Education Program.

Section 8205 further requires the Department by December 10, 2016 to reduce its workforce by the number of FTE employees working on the six programs eliminated or consolidated by the ESSA and to report to Congress on this reduction in FTE as well as other information on FTE employees working on ESEA programs.

The purpose of this letter is to inform you that the Department is not yet able to complete its responsibilities under section 8205, for two reasons. First, subsequent to enactment of the ESSA, Congress passed and the President signed into law the Department of Education Appropriations Act, 2016, which included funding for five of the six programs eliminated or consolidated by the ESEA: School Improvement Grants, Mathematics and Science Partnerships, Advanced Placement, Elementary and Secondary School Counseling, and the Physical Education Program. Consequently, the Department was required to administer these five programs for an additional year, a process that included making both new and continuation grants to State and local grantees. Furthermore, the Department and its staff continue to support the implementation of these grants through technical assistance and monitoring and must ensure satisfactory grantee performance, appropriate use of funds, and completion of all reporting consistent with statutory and regulatory requirements and the protection of taxpayer funds.

In addition, since we do not have a final fiscal year 2017 appropriations act for the Department of Education, the Department is unable to determine whether the five programs currently funded under the terms of the Public Law 114-223, the Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act will be eliminated or consolidated or which programs authorized by the ESEA, as amended by the ESSA, will be funded in fiscal year 2017.

We do anticipate that by December 10, 2016, the Department will no longer require the 2.0 FTE previously dedicated to the administration of the Transition to Teaching program, which was last funded in fiscal year 2015. Following the completion of final appropriations action for fiscal year 2017, which we anticipate will clarify the full range of staffing and administrative requirements associated with the ESSA, the Department will complete its responsibilities under section 8205.

If you have additional questions, please have your staff contact me at 202-453-6938 or the Office of Legislation and Congressional Affairs, at 202-401-0020.

Identical letters have been sent to Senators Blunt, Alexander, Mikulski, and Murray, and to Representatives Rogers, Cole, Kline, Lowey, Delauro, and Bobby Scott.

Sincerely,

/s/

Erica Navarro
Director, Budget Service