

Congress of the United States
Washington, DC 20510

August 12, 2014

The Honorable Gene Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Dodaro:

We are writing to request a Government Accountability Office (GAO) study of the Department of Education's *Elementary and Secondary Education Act* (ESEA) waiver policies. In 2011, the department began issuing waivers to states regarding specific requirements of *No Child Left Behind Act*, and to date, 42 states (and the District of Columbia and Puerto Rico) have received ESEA waivers. In order to receive waivers, states were required to comply with a new set of requirements, not authorized by Congress, related to standards and assessments, school accountability, and teacher and principal evaluation systems.

For Tennessee, the supporting documentation required for its waiver request resulted in a binder that was more than one thousand pages thick. Minnesota's approved application is more than 700 pages long. However, Congress has little information about how the department utilizes the data required of these and other states to grant, deny, renew, or revoke a state waiver. Additionally, Congress has little insight into how states are impacted by the time and cost associated with applying for and implementing these waiver requirements.

Finally, the department has recently altered various requirements for certain states regarding implementation timelines for teacher and principal evaluation systems. At the same time, other states have had their waivers put on "high risk" status, and Washington recently had its waiver revoked, over issues related to teacher and principal evaluation systems. The department has provided no justifications for these seemingly contradictory decisions.

Accordingly, key questions we would like GAO to explore include:

1. What processes and criteria does the Department of Education use to approve, deny, renew, and revoke states' ESEA waiver applications? How does the department use the data it requires states to provide when applying for and renewing waivers?
2. What changes have states made in order to meet the department's conditions for the approval and renewal of a waiver?

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3. What issues have selected states, including states that have not applied for a waiver, had waiver applications rejected, and had approved waivers revoked, faced in deciding whether to apply for and implement an ESEA waiver, such as time and resources used to produce waiver and waiver renewal applications and the possible need for legislative changes?
4. To what extent are states able to implement accountability and evaluation systems consistent with existing state laws and policies? What barriers exist for states and districts in adapting accountability and evaluation systems to their unique needs?

If you have any questions about this request, please contact Kristin Nelson, Oversight Counsel, for the HELP Committee at 202-224-6770 or Mandy Schaumburg for the House Education and the Workforce Committee at 202-225-6558. Thank you for your attention to this matter.

Sincerely,



Lamar Alexander
Lamar Alexander
Ranking Member
U.S. Senate Committee on Health, Education,
Labor, and Pensions



John Kline
John Kline
Chairman
U.S. House Committee on
Education and the Workforce