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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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April 8, 2024

VIA ELECTRONIC TRANSMISSION

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

Dear Secretary Cardona:

In February, I released a report raising serious concerns about our schools' declining literacy rates and the threat this poses to our students' futures and our country's long-term global competitiveness and national security.¹ As you know, the Department of Education (DeptEd) is responsible for administering Comprehensive Literacy State Development (CLSD) grants, which Congress established to support literacy education.² Under the program, states apply to DeptEd for discretionary funding to advance literacy skills through the use of evidence-based practices, activities and interventions, "including pre-literacy skills, reading, and writing, for children from birth through grade 12, with an emphasis on disadvantaged children, including children living in poverty, English learners, and children with disabilities."³ Once DeptEd awards a CLSD grant, the state will distribute program funds to subgrantees, including local education agencies (LEAs), to fund local programs and initiatives.⁴ These federal grants must play an important role in addressing the decline in literacy rates. Therefore, it is critical that DeptEd ensure that CLSD funds are being allocated in ways that have the greatest positive impact on national reading proficiency levels.

When Congress created the CLSD program, it required "the Secretary . . . [to] give priority to State educational agencies that will use grant funds for evidence-based activities" as defined in section

¹ Press Release, Senator Bill Cassidy, Ranking Member Cassidy Releases Troubling Report on Child Literacy (Feb. 20, 2024), <https://www.help.senate.gov/ranking/newsroom/press/ranking-member-cassidy-releases-troubling-report-on-child-literacy>.

² Every Student Succeeds Act, Pub. L. No. 114-231, 129 Stat. 1802.

³ *Comprehensive Literacy State Development*, U.S. DEPARTMENT OF EDUCATION, <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/well-rounded-education-programs/striving-readers-comprehensive-literacy-srcl-formula-grants-84-371a-for-state-literacy-teams/> (last visited Mar. 8, 2024).

⁴ Applications for New Awards; Comprehensive Literacy State Development Program, 85 Fed. Reg 18935 (Apr. 3, 2020).

8101(21)(A)(i) of the Elementary and Secondary Education Act (ESEA).⁵ The definition of “evidence-based activities” requires states to “demonstrate[] a statistically significant effect on improving student outcomes or other relevant outcomes” based on strong, moderate, or promising evidence from well-designed and well-implemented studies meeting specified criteria.⁶

DeptEd’s 2020 Notice Inviting Applications (NIA) for CLSD grants further stipulated that state educational agencies (SEAs) “are required to prioritize kindergarten through grade 12 subgrant applications that meet the higher evidence levels of strong or moderate evidence included in the definition of ‘evidence-based’ in [the NIA].”⁷

Despite these requirements, it is unclear whether SEAs and LEAs are using CLSD funds in ways that are consistent with DeptEd’s requirements when reports suggest a need for strong program oversight. For example, in March 2023, *The 74* found that, between late 2022 and early 2023, “at least 225 [school] districts [had] spent over \$1.5 million on new books, trainings and curriculums linked to three cueing.”⁸ Three-cueing is an instructional method that teaches children to guess words they don’t know based first on pictures and sentence structure. According to reports, many school-age children have difficulty reading today due to the use of the three-cueing method.⁹ It appears some of the states that received CLSD grant funds, including California and Massachusetts, are home to school districts among those that purchased instructional materials reportedly associated with the three-cueing method.¹⁰

When DeptEd awards CLSD grants, it must ensure that awards are granted to those implementing the highest quality reading programs. It must also ensure that grantees and subgrantees spend funds responsibly and in a manner consistent with DeptEd’s requirements. Funds appropriated by Congress to improve literacy must not be used on frameworks that are contributing to the very problem we, as a nation, are trying to solve—poor reading scores.

Encouragingly, the National Center for Education Evaluation and Regional Assistance (NCEE), a division of DeptEd’s Institute of Education Statistics (IES), is evaluating the CLSD Program. According to the NCEE’s website, under its supervision, three outside contractors, the American Institutes for Research, the National Opinion Research Center, and the Instructional Research Group, are conducting an assessment of grantees to examine “whether states, districts, and schools use the grant funds as intended and to inform program improvement” as well as “the effects of

⁵ ESEA § 2222(e).

⁶ ESEA § 8101(21)(A)(i).

⁷ U.S. Department of Education, *Application for New Grants Under the Comprehensive Literacy State Development Program* at 56, <https://oese.ed.gov/files/2020/04/CLSD-FY-2020-Application-Package-4.3.20.pdf> (last visited Dec. 12, 2023).

⁸ Asher Lehrer-Small, *Exclusive Spending Data: Schools Still Pouring Money Into Reading Materials That Teach Kids to Guess*, *THE 74* (Mar. 2, 2023), <https://www.the74million.org/article/exclusive-spending-data-schools-still-pouring-money-into-reading-materials-that-teach-kids-to-guess/>.

⁹ *Sold a Story: How Teaching Kids to Read Went So Wrong* AMERICAN PUBLIC MEDIA, <https://features.apmreports.org/sold-a-story> (last visited Dec. 11, 2023).

¹⁰ Compare Asher Lehrer-Small, *Exclusive Spending Data: Schools Still Pouring Money Into Reading Materials That Teach Kids to Guess*, *THE 74* (Mar. 2, 2023), <https://www.the74million.org/article/exclusive-spending-data-schools-still-pouring-money-into-reading-materials-that-teach-kids-to-guess/>; Awards Information, U.S. DEPARTMENT OF EDUCATION, <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/well-rounded-education-programs/striving-readers-comprehensive-literacy-srcl-formula-grants-84-371a-for-state-literacy-teams/awards-information-striving-readers-comprehensive-literacy-srcl-formula-grants-84-371a-for-state-literacy-teams/> (last visited Dec. 11, 2023).

CLSD on instruction and students' reading achievement.”¹¹ At this time, NCEE's website does not provide any preliminary findings from the study, and it does not state whether DeptEd is tracking the findings from the study or using them to assess how funds are currently being spent.

However, on December 19, 2023, DeptEd issued a notice seeking public comment on a proposal to adopt additional performance report metrics for the CLSD program. In the notice, DeptEd admits that “the current OMB-approved ED generic grant performance report does not include fields to capture program (subgrantee) demographic data or performance measures to ensure grantees are meeting statutory and regulatory requirements and making progress toward meeting the goals and objectives of their approved projects.”¹² The additional metrics that DeptEd proposes would collect “programmatic data” on “aggregate program-level impact,” gather aggregate data on how subgrantees use their funding, and “provide the CLSD program staff the data to report the performance and outcomes of the CLSD program, at both the grantee and the subgrantee levels.”¹³ The notice contains a high-level description of DeptEd's plans, but it is unclear what information DeptEd intends to collect and whether these metrics will enable DeptEd to conduct strong oversight of CLSD program dollars.

Congress must know whether DeptEd is conducting appropriate vetting and oversight to ensure that CLSD funds are being spent effectively. Accordingly, I ask you to respond to the following questions, on a question-by-question basis, no later than **April 22, 2024**.

1. How does DeptEd verify that SEA grantees and LEA subgrantees are spending funds effectively and in accordance with evidence-based requirements and priorities?
2. When reviewing CLSD applications, does DeptEd request information on and/or evaluate which instructional frameworks will be used? If yes, how does DeptEd consider the latest research on the effectiveness when evaluating applications?
3. Please explain the process that DeptEd follows when awarding supplemental CLSD awards.
4. Are there any statutory restrictions that would prevent DeptEd from further strengthening application requirements for the CLSD program grants to ensure that federal dollars are spent on only the strongest evidence-based instructional methods? If yes, please explain. If no, how has DeptEd taken steps to strengthen requirements?

¹¹ *National Evaluation of the Comprehensive Literacy State Development (CLSD) and Striving Readers Comprehensive Literacy (SRCL) Programs*, NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE, https://ies.ed.gov/ncee/projects/evaluation/literacy_comprehensive.asp (last visited Dec. 11, 2023).

¹² Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Comprehensive Literacy State Development (CLSD) Annual Performance Report, 88 Fed. Reg. 87759 (Dec. 19, 2023).

¹³ Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Comprehensive Literacy State Development (CLSD) Annual Performance Report, 88 Fed. Reg. 87759 (Dec. 19, 2023).

5. Please describe DeptED's oversight relating to grantees' and subgrantees' use of CLSD funds. If this oversight includes surveys or other forms of data collection, please provide a summary of the information that DeptEd collects and copies of all relevant materials.
6. Please produce additional details regarding DeptEd's December 19, 2023, proposal for collecting additional data on the use of CLSD program dollars by grantees and subgrantees, including a status update and copies of all proposed data collection forms, including drafts, associated with the proposal.
7. Please produce copies of all completed application forms for CLSD funding, including new awards and supplemental funding, received by DeptEd since Fiscal Year 2020. In addition, please produce comments from any peer reviews of those applications that have been completed.
8. Please produce an update on the status of the NCEE-supervised review of the CLSD program. Also, please produce a copy of the review upon its completion.
9. Is DeptEd monitoring the findings of the NCEE-supervised review, and if so, is DeptEd using the findings to inform its oversight of the CLSD program? If not, why not?

Thank you for your prompt attention to this important matter.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.

Ranking Member

U.S. Senate Committee on Health,

Education, Labor, and Pensions