



B-329093

May 31, 2017

The Honorable Lamar Alexander
Chairman
The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable Virginia Foxx
Chairwoman
The Honorable Robert “Bobby” Scott
Ranking Member
Committee on Education and the Workforce
House of Representatives

Subject: *Department of Education: Final Priorities, Requirements, Definitions, and Selection Criteria—Striving Readers Comprehensive Literacy (SRCL) Program*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule (hereinafter “announcement”) promulgated by the Department of Education (Education) entitled “Final Priorities, Requirements, Definitions, and Selection Criteria—Striving Readers Comprehensive Literacy (SRCL) Program” (RIN: 1810-AB25). We received the announcement on May 17, 2017. It was published in the *Federal Register* as an “announcement of final priorities, requirements, definitions, and selection criteria” on May 16, 2017. 82 Fed. Reg. 22,419.

The announcement announces the final priorities, requirements, definitions, and selection criteria that Education may require eligible state educational agencies (SEAs) to address in order to receive funds under the SRCL program. The announcement also announces the requirements to ensure that state literacy teams assess the state comprehensive literacy plans on a regular basis and that these plans include continuous improvement activities. Finally, the announcement announces selection criteria intended to help identify high-quality applications.

Enclosed is our assessment of Education’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the announcement. Our review of the procedural steps taken indicates that Education complied with the applicable requirements.

If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shirley A. Jones, Assistant General Counsel, at (202) 512-8156.

signed

Robert J. Cramer
Managing Associate General Counsel

Enclosure

cc: Hilary Malawer
Assistant General Counsel for
Regulatory Services
Department of Education

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF EDUCATION
ENTITLED
“FINAL PRIORITIES, REQUIREMENTS, DEFINITIONS, AND
SELECTION CRITERIA—STRIVING READERS
COMPREHENSIVE LITERACY (SRCL) PROGRAM”
(RIN: 1810-AB25)

(i) Cost-benefit analysis

Education stated that it believes that the final priorities, requirements, definitions, and selection criteria will not impose significant costs on state educational agencies (SEAs). Education also stated that program participation is voluntary, and the costs imposed on applicants by the final priorities, requirements, definitions, and selection criteria are limited to the paperwork burden related to preparing an application.

Education also stated that the potential benefits of implementing the program using the final priorities, requirements, definitions, and selection criteria are designed to outweigh any costs incurred by applicants, and the costs of actually carrying out activities associated with the application may be paid for with program funds.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

Education did not discuss the Act in the announcement.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

Education did not discuss the Act in the announcement.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

On June 20, 2016, Education published a notice of proposed priorities, requirements, definitions, and selection criteria in the *Federal Register*. 81 Fed. Reg. 39,875. Education responded to comments in the announcement.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

Education did not discuss the Act in announcement.

Statutory authorization for the rule

Education stated that it promulgated this announcement under the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act.

Executive Order No. 12,866 (Regulatory Planning and Review)

Education determined that this announcement is economically significant under the Order.

Executive Order No. 13,132 (Federalism)

Education did not discuss the Order in the announcement.

Executive Order No. 13,771 (Identification of Two Deregulatory Actions)

Education stated that the requirements of the Order do not apply because this announcement is a “transfer rule” not covered by the Order.