

**Prepared Statement of Ranking Member Richard Burr  
Nomination of Cindy Marten, Deputy Secretary of Education**

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March 24, 2021

Good morning, Chair Murray. Thank you for scheduling this hearing to consider the nomination of Secretary Cindy Marten for Deputy Secretary of Education.

Welcome, Ms. Marten. I congratulate you on your nomination.

Earlier this month, I supported Dr. Cardona's nomination to be Secretary of Education because I felt he had the background, qualifications, and temperament to serve in that position.

Most importantly, he testified that we need to get students back into the classroom and demonstrated an understanding that one-size-fits-all mandates from Washington won't work.

He also committed to be transparent and responsive to Congress when exercising our oversight responsibilities. So, I was pleased to be able to support his nomination and provide my consent.

And I'm glad to see that the CDC has finally caught up with the science on school re-openings. I can't help but wonder if we all have Susan Collins to thank

for that with her very effective line of questioning last week at our COVID hearing.

Ms. Marten, you have been nominated to serve as Deputy Secretary of Education.

Under the Government Performance and Results Modernization Act of 2010, the Deputy Secretary serves as Chief Operating Officer for the Department.

As such, the Deputy Secretary acts on behalf of the Secretary with senior Department leaders in developing and executing effective management and in identifying key organizational vulnerabilities and executing effective approaches to manage risks across the Department's programs, grants, loans, contracts, and related services.

If confirmed as the COO of the Department, you would be responsible for the operation and management of – approximately 4,000 employees; a 73.5 billion dollar annual budget; and a 1.6 trillion dollar student loan portfolio.

Your experience as a teacher and principal and, since 2013, as superintendent of the San Diego Unified School District, which annually receives millions of dollars for various federal K-12 programs, certainly gives you experience implementing a number of programs that ultimately report into the Deputy Secretary's office.

You might be the best possible nominee for Assistant Secretary of Elementary and Secondary Education in the history of the agency.

However, your record as superintendent highlights some challenges you'll have should you be the Deputy.

In particular, you appear to have little or no experience working in a higher education system or institution, working on higher education policy, or managing a large student loan portfolio.

I recall several questions to officials in the last Administration about their experience managing a \$1 trillion student loan program so I assume that those questions will be asked of you today.

Your immediate predecessor had experience not only as a state superintendent of education, but as a college president, and had a long and distinguished career in the U.S. Army as a Brigadier General and Chief of Staff of the U.S. Army Reserve Command.

President Obama's first nominee confirmed to this position came to it with significant experience managing multibillion dollar grant portfolios and investment funds.

And President George W. Bush's first nominee confirmed to this position had been a CEO and served in the H.W. Bush administration as the Chief Financial Officer for the Department.

All of these former Deputy Secretaries brought significant experience and expertise in areas such as management, finance, and higher education that complimented the largely K through 12 backgrounds of the Secretaries they served.

So, despite any reservations, I believe your passion for education and helping students learn will enable you to succeed in the position of Deputy Secretary of Education.

I very much want you to succeed, I'm inclined to support your nomination, and want to extend to you an offer to provide whatever assistance I and my staff can to help you.

Having said that, I would also like to point some things out to my colleagues on the other side of the aisle because I firmly believe that if Ms. Marten were a Republican or was being nominated by a Republican President, they would be lined up in opposition against you.

First, I don't believe my colleagues on the other side of the aisle would support a Republican nominee who was superintendent of a school district with large disparities on how minority and white students were disciplined.

According to an article in the Los Angeles Times, in the 2018-19 school year, Black students in San Diego Unified were suspended more than three times as often as white students, and they accounted for 18 percent of students suspended despite making up only 8 percent of the student body.

Second, I don't believe my colleagues on the other side of the aisle would support a Republican nominee whom disability advocates claimed has been, and I quote, "difficult to deal with in terms of transparency and sharing information with families of students with special needs as Disability Rights California claimed about you."

In fact, your district has been sued for denying students with accommodations and reimbursements they are entitled to receive under their Individualized Education Plans – or IEPs – and your district has been investigated by the federal Department of Education for civil rights violations against students with disabilities

Third, I think my colleagues would vigorously question a Republican nominee who oversaw a school district where top level administrators were trained

on how to delete emails from the public record, in violation of state public records law, as local news reports have claimed occurred in your school district.

And, furthermore, they'd be skeptical about a nominee whom the San Diego Society of Professional Journalists gave the San Diego Unified its "Wall" award given to "the public official or agency that most ignored media requests or otherwise compromised the public's right to know."

The journalists noted that San Diego Unified withheld documents about student safety and missing inventory items that other school districts delivered in weeks and ignored repeated requests to meet in person.

Fourth, I am sure that they would express concerns about a nominee heading a school district that was currently defending itself against a lawsuit filed by former students alleging that the district was negligent for failing to take appropriate action upon receiving sexual harassment complaints against its employees.

Or a nominee facing a lawsuit seeking the nominee's termination as superintendent due to their alleged "neglect and bullying of previous victims" of sexual abuse.

Finally, I can picture the letter demanding testimony from the local NAACP that not only publically opposed such a nomination, but stated the nominee has and

I quote “been an ineffective leader of California’s second largest school district” and is “ill-equipped for the tremendous responsibility of serving the needs of your entire nation’s young learners.”

The NAACP San Diego branch President, Francine Maxwell, has gone so far as to express she is “greatly disturbed by the prospect of Superintendent Marten being elevated to a position of national significance and import, while leaving some of our county’s most vulnerable children in increasingly difficult situations.”

So, I’m glad to see that my Democratic friends have abandoned their guilty upon nomination stance that they have taken for the past four years, and I hope they will reflect on the damage they did to the Senate by opposing any and all nominees basically just because they accepted a nomination from the last President.

Ms. Marten, I hope you take this opportunity to help the Committee understand why your background, experience, and record of work merit a promotion. And I hope you are able to convince my Democratic friends that they should support you as well.

I thank the Chair.