UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL CENTER FOR LEARNING DISABILITIES, et al., *Plaintiffs,* v. **OFFICE OF MANAGEMENT AND BUDGET**, et al., *Defendants.*	Case No. 11:26-cv-13019

DECLARATION OF MATTHEW SOLDNER

I, Matthew Soldner, do declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and accurate to the best of my information and belief:

1. I am currently employed as the Interim Deputy Commissioner of the National Center for Education Statistics. In that role, I also serve as Acting Commissioner, National Center for Education Statistics and the Acting Director, Institute of Education Sciences (IES) at the U.S. Department of Education. I started serving as Interim Deputy Commissioner of the National Center for Education Statistics (NCES) on July 1, 2025, and have worked at IES most recently since July 1, 2018.
2. In my role at IES, among my duties, I oversee all budgeting, spending plans, and expenditures for IES.
3. On August 4, 2026, I provided a declaration ("Soldner AR Declaration") in connection with Defendants' obligation to comply with the Court's order requiring "production of

the administrative record". Dkt 41-7. That Declaration noted Defendants' position is that this case does not involve a "final agency action." (ECF 37).

4. I make this Supplemental Declaration based on my own personal knowledge, information contained in the records of ED, and information provided to me by ED employees.

IES Appropriations

5. The Full-Year Continuing Appropriations and Extensions Act, 2025 ("2025 CR"), under Section 1101, provided funding for Education under the same "level […] authority and conditions provided in applicable appropriations Acts for fiscal year 2024[.]" This included extending funding under the amounts, authority and conditions authorized under the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2024 (division D of Public Law 118-47)." Pub. L. 119-4, 139 Stat. 9, 11 (Mar. 15, 2025).

6. The 2025 CR, unless otherwise specified, therefore provides funding to Education under the same amounts and conditions as provided within the Further Consolidated Appropriations Act of 2024 (the "2024 Appropriations Act"), while adjusting the periods of availability by one subsequent fiscal year. Pub. L. 118-47, 138 Stat. 460, 461 (Mar. 23, 2024).

7. The 2024 Appropriations Act, under the "Institute of Education Sciences" account, provided the following appropriation for IES:

    a. "For necessary expenses for the Institute of Education Sciences as authorized by section 208 of the Department of Education Organization Act and carrying out activities authorized by the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $793,106,000, which shall remain available through September 30, 2025: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: Provided further, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels."

8. The 2024 Appropriations Act thus provided IES with "two year" money of $793,106,000, to remain available through September 30, 2025.

9. Because the 2025 CR, as noted above, provided funding for Education under the same "level […] authority and conditions" as the 2024 Appropriations Act but modified by one subsequent fiscal year, the 2025 CR therefore provided IES with $793,106,000, to remain available through September 30, 2026.

10. The amounts made available to IES under the 2025 CR were subsequently modified under the Consolidated Appropriations Act, 2026 ("2026 Appropriations Act").

    a. Specifically, section 311 of the 2026 Appropriations Act "permanently rescinded" $25,000,000 "[o]f the funds made available under the heading "Institute of Education Sciences" pursuant to section 1101(a)(8) of the Full-Year Continuing Appropriations Act, 2025."

    b. Therefore, the 2026 Appropriations Act reduced the funds appropriated to IES under the 2025 CR to $768,106,000, while not modifying their availability through September 30, 2026.

11. As of the date of this Supplemental Declaration, the Office of Management and Budget has apportioned all $768,106,000 of the FY 2025 IES funds that remain available through September 30, 2026.

12. As of the date of this Supplemental Declaration, the Department has obligated $587,574,710.20 of the $768,106,000 total FY 2025 IES funds that expire September 30, 2026.

13. The 2026 Appropriations Act also contained certain requirements in which Congress applied requirements to previous appropriations acts, and thus to the IES funds provided through the 2025 CR.

    a. One such requirement, contained in Section 514(b) of the 2026 Appropriations Act, was that "None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2026, shall be available for obligation or expenditure through a reprogramming of funds […] unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming."

14. On August 20, 2026, consistent with Section 514(b) 2026 Appropriations Act, the Department notified Congress of its intent to reprogram $68,653,580.92 of FY 2025 IES funding towards other programs, projects or activities within the account. A true and correct copy of that August 20, 2026 letter is included as Attachment A to this Declaration.

15. As stated in my prior Declaration, IES intends to spend all funds appropriated by Congress in a timely manner, in full compliance with all statutory and regulatory requirements, and in accordance with the operation of the programs it administers. This includes timely obligation of all FY 2025 IES funds within their period of availability through September 30, 2026.

16. Since August 4, 2026, IES has made several awards of FY 2025 IES funds. This includes approximately $25 million in funds to support new and continuing awards from the National Center for Education Research (NCER).

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Executed in Washington, D.C. on August 25th, 2026.

MATTHEW SOLDNER

Digitally signed by MATTHEW SOLDNER
DN: c=US, o=U.S. Government, ou=Department of Education, ou=Institute of Education Sciences, cn=MATTHEW SOLDNER, 0.9.2342.19200300.100.1.1=91001004811599
Date: 2026.08.25 12:29:48 -04'00'

Matthew Soldner

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

August 20, 2026

The Honorable Shelly Moore Capito
Chair
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Robert Aderholt
Chairman
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

The Honorable Tammy Baldwin
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Rosa DeLauro
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

Dear Chair Capito, Ranking Member Baldwin, Chairman Aderholt, and Ranking Member DeLauro:

Consistent with section 514(b) of the Consolidated Appropriations Act, 2026 (Pub. L. 119-75), after providing consultation on August 13, 2026, I am writing to notify you that the Department is reprogramming fiscal year (FY) 2025 funds within the Institute of Education Sciences account.

Specifically, the Department is reprogramming a total of $68,653,580.92 from the following programs:

Discretionary Program	**Reprogramming Amount**
Statistics	($50,000,000)
Special Education Studies and Evaluations	($2,653,580.92)
Regional Educational Laboratories	($16,000,000)

Research, Development, and Dissemination (84.305A/C/D/S) will receive $7,000,000 from Regional Educational Laboratories and $17,000,000 from Statistics.

Research in Special Education (84.324A/B/C) will receive $2,653,580.92 from Special Education Studies and Evaluations, $9,000,000 from Regional Educational Laboratories, and $15,850,000 from Statistics.

Statewide Longitudinal Data Systems (84.372A) will receive $17,150,000 from Statistics.

When added to the existing FY 2025 appropriations, a total of $269,000,000 will have been made available for Research, Development, and Dissemination; $91,758,580.92 will have been made available for Research in Special Education; and $45,650,000 will have been made available for Statewide Longitudinal Data Systems in the multi-year FY 2025 account.

Sincerely,

STEVEN BYRD Digitally signed by STEVEN BYRD Date: 2026.08.20 11:39:41 -04'00'

Steven Byrd
Director, Budget Service

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon Plaintiffs' counsel by the Electronic Case Filing system and by e-mail on August 26, 2026.

/s/Michael K. Velchik

MICHAEL K. VELCHIK