



Five Takeaways From the DeVos Hearings

Education Reformer is "Controversial"

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January 18, 2017

On Tuesday, Betsy DeVos, President-Elect Trump's nominee for Secretary of Education, had her confirmation hearing in front of the Senate Committee of Health, Education, Labor, and Pensions. The hearing, over three hours, focused on topics ranging from DeVos' support for school choice to student debt to ESSA to guns in schools.

Below are our five takeaways from the hearing:

1. **Betsy DeVos is an education reformer, and that's "controversial"**

At the hearing, DeVos said: "If confirmed, I will be a strong advocate for great public schools. ... But, if a school is troubled or unsafe or not a good fit for a child – perhaps they will have a special need that is going unmet – we should support a parent's right to enroll their child in a high-quality alternative."

Leading up to the debate, the media tried to paint DeVos as an extremist for such beliefs. But poll after poll showS that parental choice is a position that large majorities of voters agree with. According to a recent poll by a Democratic polling firm, 68 percent of people across the country support school choice – which includes strong support from Democrats (55 percent), Republicans (84 percent), and Millennials (74 percent). A recent poll from Wisconsin produces similar results, with more than 78 percent of respondents supportive of school choice.

School choice advocate Rose Fernandez tweeted: "the things DeVos is saying at the hearing have never been said by nominee in her chair. Historic for parents' rights." She may be right. This is all why WILL, WMC, School Choice Wisconsin, Hispanics for School Choice, MMAC, and MacIver Institute sent a letter to U.S. Senator Lamar Alexander, showing our support for DeVos.

2. **Democrats Like Tammy Baldwin Played Small Ball**

If you tuned in and expected a robust debate on the role of the federal government in education, you would have been sorely disappointed. A number of Democrats instead chose to focus on DeVos' family wealth and the private donations of her and her family.

Sen. Al Franken (D-MN), insistent on getting a sound bite for the evening news, jumped on DeVos when she asked for clarification on a question about growth and proficiency. This, apparently, served to show how unfit she is for service. Franken, of course, never gave her a chance to answer the question – which tells you how interested he was in the actual answer.

One would have expected Wisconsin Senator Tammy Baldwin (D), who represents a state with a vibrant charter and voucher program, might have an opinion about school choice. Yet Senator Baldwin was silent on the issue, focusing her time on donations that the DeVos family made to certain Christian organizations.

Baldwin is up for re-election in 2018 and has long been a champion of the teachers union. But her unwillingness to engage on the matter when representing the state with the oldest private school choice program in the country is perhaps telling.

This hearing wasn't about a debate on a vision for the Education Department. It was a show trial for the cameras.

3. Fake News About Detroit's Charter Schools

A narrative has been building that DeVos philanthropic and political activity with charter schools in Michigan, especially Detroit, will be a liability. The New York Times Editorial Board says she's done damage to public education in Michigan. Protestors shouted during debate that "she destroyed Detroit public schools." It was repeated time and again at the hearing by Democrat senators.

Yet this talking point does not hold up to scrutiny when a proper analysis is done. As pointed out by CATO's Jason Bedrick, when one compares Detroit charters with its public schools – among students from a similar socio-economic background – 60 percent of charters outperform their district peers in math and 51 percent outperform them in reading. A recent study by the Mackinac Center in Michigan supported the finding that Detroit charters outperform Detroit Public Schools. This study looked at report cards over the years, taking into account the poverty rate at those schools.

A Colorado Senator quizzed DeVos about the poor performance of Detroit charters relative to Denver. This is not an 'apples-to-apples' comparison. The median household income in Denver is more than \$53,000. In Detroit, it is \$25,000. That leads to significantly different challenges for schools.

4. Democrats are fundamentally misguided about school choice

Sen. Patty Murray (D-WA) – the top Democrat on the Senate education committee – asked DeVos, "can you commit that you will not work to privatize public schools or cut a single penny for public education?" DeVos declined to answer. But what does this even mean? When parents exercise choice, they send their child to a private school with a voucher or attend a public charter

school (which is not unionized and has less red-tape than a traditional school). So long as parents believe they are succeeding, traditional schools will continue to exist and the competition will make all schools better off.

Later, DeVos was accused of being a supporter of “unaccountable” vouchers. But DeVos said repeatedly that she supports accountability for all schools. What some voucher opponents might not like is that parental choice, in and of itself, does serve as an accountability mechanism when the proper information about school quality is properly conveyed.

5. **Democrats play politics with Special Education Law**

Senator Tim Kaine (D-VA) grilled DeVos about federal disability law, the Individuals with Disabilities Education Act (IDEA), which requires public schools to provide children with disabilities a “free appropriate public education.” Senator Kaine asked DeVos, several ways, whether all schools – including private schools – should follow IDEA. In one of her weaker moments, DeVos said she thought they already are and that it is a matter left to the states.

But Senator Kaine is wrong. According to federal law, IDEA only applies to public schools and if the parents choose to send their children to a private school, IDEA no longer applies. This is true even if the private school accepts taxpayer money. The U.S. Department of Education has, at least twice, written to support that interpretation (1990 and 2001 memos) and the federal courts have agreed with that interpretation.

This doesn’t mean that private schools do not educate children with disabilities. Far from it. It means that private schools have the flexibility to devise their own education plan for children with disabilities – which makes sense as they do not receive the same amount of funding as public schools. And no one forces parents to enroll their children in private schools.

Today the media is pouncing on DeVos for not knowing federal special education law. Will they do the same for Senator Kaine?