

Biden's Education Department Will Move Fast to Reverse Betsy DeVos's Policies

President-elect Joseph R. Biden Jr. has presented an education agenda that is starkly different from the Trump era, beginning with a far more cautious approach to school reopenings.

Erica L. Green

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WASHINGTON — Like most federal agencies, the Education Department followed President Trump's lead in seeking to undo the legacy of his predecessor, and Education Secretary Betsy DeVos diligently tore into President Barack Obama's policies.

President-elect Joseph R. Biden Jr.'s administration is planning to return the favor.

The contrasts in Trump-era education policy and the incoming Biden administration's agenda are stark. Ms. DeVos, a lifelong booster of private schools and longtime opponent of the teachers' unions, set out to reduce the Education Department's footprint by proposing cuts to public school funding and narrowing the department's enforcement role of federal education laws and civil rights.

The incoming first lady, Jill Biden, is a community college professor and member of the National Education Association. The Biden administration has promised to drastically increase resources for public schools, expand its civil rights advocacy for marginalized students and reassert the department's leadership in policymaking.

And on the most pressing issue facing education, reopening schools during the pandemic, the Biden administration has signaled an about-face.

The Trump administration has demanded that schools reopen, despite severe budget constraints and confusing public health guidelines, while the Education Department has all but absolved itself of tracking the virus's impact and offering solutions. The Biden campaign [has promised deep federal involvement](#) to help schools secure more relief funding and navigate the effects of the pandemic, which has devastated the academic trajectory of the most vulnerable students.

But the president-elect's closeness with the powerful teachers' unions has raised concerns. Unions have come under fire from parents and school leaders who say their opposition to in-person instruction conflicts with science and students' well-being. Ms. DeVos has seized on the tension, [posting a series of articles on Twitter](#) that have questioned the unions' roles.

“When unions win, kids lose,” [she said this week](#).

With a likely Republican Senate and a narrow Democratic majority in the House, Mr. Biden will struggle to muster the support he needs in Congress to accomplish some of his loftiest policy goals. He has promised to bolster funding for special education, institute universal prekindergarten and triple funding for a federal program that helps schools serving high

concentrations of students from low-income families, devoting some of that funding to increasing teacher salaries. In higher education, he has promised free public college, expanding the amount of federal financial aid grants for low-income students and canceling some student debt.

Stef Feldman, the Biden campaign's policy director, [told reporters last month](#) that the administration was "confident" Mr. Biden would "be able to get some big, bold education legislation passed and certainly immediate relief for our schools and our educators, but that doesn't mean that we're not also going to take executive action within existing authority."

Those actions could come quickly.

Mr. Biden has promised to appoint a secretary with teaching experience and a deep knowledge of the challenges schools face and the students they serve.

In his victory speech on Nov. 7, the president-elect [referred to Dr. Biden](#) as he declared: "For America's educators, this is a great day. You're going to have one of your own in the White House."

The Biden administration plans to restore Obama-era civil rights guidance — rescinded by Ms. DeVos — that offered transgender students [the right to choose school bathrooms](#) that correspond with their gender identity, that addressed [the disproportionate disciplining of Black students](#) and that pressed for [diversity in colleges and K-12 classrooms](#). The restoration of those guidance documents can be done immediately because they were not put through the regulatory process or enacted into law.

Undoing what is arguably Ms. DeVos's most formidable accomplishment — how federally funded schools [should investigate cases of sexual assault](#) — could be tougher. The incoming administration has vowed to dismantle those rules. As vice president, Mr. Biden had personally helped introduce the Obama-era guidelines on campus sexual misconduct that Ms. DeVos reversed through a formal and protracted rule-making.

But unlike guidance documents, which do not carry the force of law, and other DeVos regulatory measures that have been overturned by courts, the sexual misconduct rules have already held up against legal challenges. The rules would have to be overturned through legislation or rewritten through the regulatory system, a process that could take years.

Mr. Biden's team is also eyeing Ms. DeVos's formal rules that significantly tightened Obama-era rules on loan forgiveness for students defrauded by their colleges and that eased oversight of for-profit colleges. Those rules could also require regulatory action if they survive continuing court challenges.

The administration is likely to prioritize the immense backlog of loan forgiveness claims that the Trump administration allowed to pile up, and the mass denials of assistance that the department has issued to students who claim they were cheated by their colleges, according to officials familiar with the plans. Among the thousands of students awaiting relief are those who attended Corinthian Colleges, a now defunct for-profit college chain that Vice President-elect Kamala Harris [sued when she was the attorney general of California](#).

"There's a lot of work to be done, but it will be nice to know there's an education secretary who's thinking about how to protect students from predatory schools instead of the other way

around,” said Aaron Ament, the president of the [National Student Legal Defense Network](#), which has sued the department for its efforts to roll back Obama-era rules on loan forgiveness and consumer protection.

The team Mr. Biden has named to help the Education Department through the transition signaled the direction he intends to take.

Leading the team is Linda Darling-Hammond, the president of the Palo Alto, Calif.-based Learning Policy Institute, who also oversaw the education transition for Mr. Obama in 2008. Ms. Darling-Hammond, a veteran education researcher and policymaker in arenas like desegregation, school finance and teacher preparation, was considered a contender for Mr. Biden’s secretary of education, but took herself out of the running, saying she was committed to her work in California.

The transition team’s [strong representation from former Obama-era officials and teachers’ unions](#) has been met with mixed reactions.

In announcing the team, a transition official said its members had “deep backgrounds in key policy areas” with “a diversity of perspectives critical to addressing America’s most urgent and complex challenges.”

Keri Rodrigues, the president of the National Parents Union, which represents low-income parents and parents of color, said the composition of the team made her worried that the Biden administration might stack the government with people who are “interested in fortifying the status quo that has been failing so many of our kids.”

“This is the biggest table right now,” she said of the transition team, “and I don’t see parent groups, family groups, community groups present.” She added, “It seems we’re back to the same old, ‘We’re going to do things to you, not with you.’”

Unions were not seen as key players in [Obama administration’s coalition](#) — the National Education Association called for the resignation of Mr. Obama’s first education secretary, Arne Duncan — and have been at odds with centrist Democrats on some policy issues, such as charter schools, [which are supported by many Black and Latino families](#). Mr. Biden this summer reshaped the Democratic platform to embrace a ban on federal funding for for-profit charters, and to call for cutting funding to underperforming charters run by nonprofit organizations.

“He’s coming in saying he wants to unify people, and it’ll be interesting to see whether that holds for education policy,” said Charles Barone, the director of policy at Democrats for Education Reform. “If you really respect the role of people who got you elected, are you going to come in and attack the choices they make for their children?”

Teachers’ unions have curried favor by fighting Ms. DeVos at every turn, but Mr. Biden’s alliance with them has raised concerns.

“If it looks like the teachers’ unions are now calling the shots, and not the people schools are supposed to be serving, the pendulum will swing the other way,” said Neal McCluskey, the director of the libertarian Cato Institute’s Center for Educational Freedom.

Mr. Biden has [echoed union concerns](#) that the country needs to get the coronavirus under control to safely reopen schools, and that it will take a large infusion of cash to meet safety guidelines and the needs of students who have suffered academic and social setbacks.

“Schools, they need a lot of money to open,” Mr. Biden said during the last presidential debate, citing the need for better ventilation systems, smaller class sizes and more teachers.

While Mr. Trump has emphasized low infection rates among children, Mr. Biden has also stressed concerns for educators. During one of the debates, after Mr. Trump accused him of wanting to keep the country locked down, Mr. Biden mocked the president: “All you teachers out there, not that many of you are going to die, so don’t worry about it.”

Becky Pringle, the president of the National Education Association, said Mr. Biden’s approach to the reopening debate illustrated his understanding that “no school system budget has a line item that says, ‘coronavirus.’”

Ms. Pringle noted that Mr. Biden had always been a strong supporter of the labor movement and said she was proud that he had also “leaned in” to the association’s playbook. She said the president-elect was particularly excited by the union’s vision to “reclaim public education as a common good and transform it into something that it’s never been — which is a system that is racially and socially just and equitable.”

“He’ll take the slings and arrows for being ‘too close’ to us, and he’ll be able to say, ‘Not only did they help me get elected, they help me lead in a bold way,’” she said.

Union leaders top speculative short lists of contenders to be the next education secretary and will undoubtedly influence Mr. Biden’s choice. Randi Weingarten, the president of the American Federation of Teachers, and Lily Eskelsen García, a past president of the National Education Association, are among the names mentioned.

Other names include superintendents of districts like Baltimore and Seattle, and Representative Jahana Hayes, Democrat of Connecticut and a former National Teacher of the Year.

Ms. Weingarten said that she was honored by the mention, but that she would be “really happy to work with the Biden administration as the president of the A.F.T.”

“The Biden-Harris administration has the potential to enable a renaissance in public education,” she said.