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Even with GOP Senate takeover, education plan could stall

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Sen. Lamar Alexander has a plan to overhaul the education system if he becomes chairman of the Senate's education committee next year, starting with rewriting the divisive No Child Left Behind act and moving to create more school vouchers and deregulate higher education soon after.

But his plans could go nowhere.

Alexander is bound to hit road blocks even if Republicans take the Senate in November and he takes the helm of the Senate Health, Education and Labor committee, regardless of his skills as a lawmaker or eagerness to foster cooperation in the Senate. The hurdles will begin with the ideologically diverse committee members, who include Sen. Elizabeth Warren and Sen. Al Franken on the left and Sen. Rand Paul on the right, and end with potential vetoes from the president. In between, there are potential issues with working with Senate Democrats, navigating divides among House Republicans and overcoming the perception that major education laws are permanently stalled in Congress.

There could be modest gains: Republicans would have more leeway to hammer on President Barack Obama's education policies, which they see as aggressive federal overreach. Other Republican education wonks like Sen. Marco Rubio (R-Fla.) and Sen. Tim Scott (R-S.C.) have priorities of their own that are gathering dust but could get more play in a Republican Senate, too, and help build a next generation of GOP education leaders. Rubio, for example, has several proposals to reform financial aid.

A Republican Congress could also push Obama to compromise more, said Neal McCluskey, associate director for education at the Cato Institute. That could mean some yielding by the president on issues like school choice and college ratings, McCluskey said.

Riders attached to appropriations bills could help send this message, too. Though Obama could veto specific legislation, he's less likely to take issue with broader spending bills that include language defunding parts of his agenda — which House and Senate Republicans have been eager to do for years.

Few, if any, legislators have more experience with education policy than Alexander, a

former U.S. education secretary and president of the University of Tennessee.

Though Alexander has a chummy relationship with current committee Chairman Tom Harkin, he's been quick to decry Majority Leader Harry Reid for circumventing Senate procedures that would give Republicans more of a voice. Alexander said he thinks that if the Senate operated the way Senate Minority Leader Mitch McConnell has said he will run it, which would include adding more floor amendments and giving more power to committee leaders, that could make it possible to move stalled education bills and restore the public's confidence in the chamber.

The No Child Left Behind bill Alexander hopes to pass is starkly different from a bill that Senate Democrats have released. It would give states the option of making Title I funds for low-income children "portable" so the funds follow children to the public schools of their choice. It does not authorize the Obama administration's signature programs, such as Race to the Top and Investing in Innovation, which some Democrats would like to write permanently into law.

House Republicans' 2013 rewrite of No Child Left Behind is similar enough that analysts say the bill, or something similar to it, could be conferenced with the Senate bill; Alexander, too, said he doesn't anticipate problems getting House Republicans on board.

Senate Republicans' NCLB bill stops short of authorizing any private school voucher programs. But vouchers are on his agenda: He hopes to move his Scholarship for Kids Act separately. The bill would give states the option of using the funds now distributed through a host of federal programs — amounting to about \$24 billion a year on the whole — as a single block grant to states for public and private school vouchers.

Alexander said he wants to be "at the front of the line" with legislation ready to move in the Senate if McConnell is calling the shots.

His optimism belies how deep the divide over No Child Left Behind is.

Even if Republicans gain several seats after the midterms they will still need a handful of Democratic votes in order to move a bill. No Child Left Behind is so stalled that 20 percent of education experts surveyed by the education consulting group Whiteboard Advisors in August said they expect it will never happen.

And if Alexander manages to move bipartisan bills out of committee, "Harry Reid will still be able to tie up everything in the Senate anyway," said Frederick Hess, education policy director at the American Enterprise Institute.

When it comes to No Child Left Behind, appealing to former governors who might have an affinity for state and local control, which is emphasized in his bill, could help snag the necessary 60 votes, Alexander said.

How an Alexander-led HELP Committee would approach the next iteration of higher

education law is less clear.

“I’ve asked the staff to really start from scratch for different parts of the Higher Education Act,” Alexander said.

He sees himself as a countervailing force to the Obama administration’s push for regulation in areas such as for-profit colleges, and Congress’s tendency to add more regulations to higher education each time they reauthorize the law. Two main forces, the market and the accreditation system, should do the majority of the work to keep the system in check, Alexander said.

There is some potential for agreement. Alexander rolled out a proposal for simplifying the federal student aid application with Sen. Michael Bennet (D-Colo.) earlier this year. The new form would get rid of the dozens of questions required of families and instead require only basic information that can fit on a postcard. Alexander often keeps on hand a copy of the current student aid application so he can hold it up — the joined pages trail all the way to the ground — to prove his point.

“This is what 20 million families fill out every year!” he says, lifting one such copy of the application up off his desk. (Most families fill out the form online, where they can import some information such as IRS data.)

Alexander sees the FAFSA simplification as a model for other common-sense higher ed reforms that could garner bipartisan support. It even echoes a 2010 proposal from Warren, who was at the Consumer Financial Protection Bureau at the time, to simplify the mortgage form, he points out.

Despite this bipartisan bright spot, Warren and Alexander are at odds over big issues like how to ease student debt and whether the federal government should reign in for-profit colleges. The same goes for many other Senate Democrats, whose concern about the high cost and sometimes questionable quality of higher education make them bristle at the thought of deregulating the higher education system across-the-board.

Alexander’s experience as president of the University of Tennessee from 1988 to 1991 gives him a “personal appreciation” of the issues at hand, said Terry Hartle, senior vice president at the American Council on Education, which doesn’t endorse members of Congress.

“That doesn’t mean we always like what he had to say. Sometimes people who know institutions and industries very well can be very informed critics,” Hartle said.

A Republican majority in the Senate doesn’t guarantee Alexander’s ascent to HELP Committee leadership. If McConnell does not win reelection, Alexander could be pulled back into Senate leadership, which he left — to the surprise of many — in 2011.

If Democrats keep the majority, there still will be space for a very different approach to

education policy as Sen. Tom Harkin retires from the Senate and as HELP Committee chair at the end of this term. Though Sen. Patty Murray, his most likely successor, is ideologically aligned with Harkin on many issues, she has a strong track record of cutting deals with Republicans in recent years from her work on the budget committee. While Harkin and Alexander have succeeded in passing many small bipartisan bills in the Senate in recent years, most major pieces of education law remain stalled.

“If I’m fortunate enough to be chairman then I can set the agenda. But I want to do that in consultation with Democrats so we can get results,” Alexander said. “If there’s a Democratic chairman, I want to work with that chairman the way I worked with Sen. Harkin.”