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Betsy DeVos's \$5 billion school tax-credit plan is being slammed. And not by whom you might think.

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You might think that allies of Education Secretary Betsy DeVos would applaud the announcement that the Trump administration is seeking \$5 billion for a federal tax credit program that would use public funds to send students to private and religious schools.

Isn't expanding school choice always a positive to those who want more alternatives to traditional public school districts?

Apparently not in this case — at least not to some of the fiercest school choice advocates who ordinarily embrace DeVos's thinking on education policy.

The Trump administration is proposing a \$5 billion tax-credit program that would be operated from the Treasury Department to provide dollar-for-dollar tax credits to individuals and corporations that contribute to programs that pay for students to attend private and religious schools. The amount would be capped at 10 percent of an individual's gross income and 5 percent of a business's taxable income.

Supporters say using public money for private and religious school tuition is part of a necessary movement to provide families with choices for their children, while opponents say such programs harm the school districts that enroll most schoolchildren and that they serve to privatize the public education system.

DeVos recently announced her support of the federal tax-credit proposal, which would mirror programs in Florida, Arizona and other states. She appeared at an event to push legislation creating the program that was introduced in the Senate by Sen. Ted Cruz (R-Tex.) and in the House by Rep. Bradley Byrne (R-Ala.).

While Cruz is gung-ho on the idea, the Republican-led legislature in Texas has repeatedly refused to pass a program that would use public funds for private education, even though there are many charter schools in the state.

Legislators in rural areas in Texas — and other states — who support school choice don't like these kinds of programs largely because so few private schools exist in the jurisdictions they represent. In 2017, legislators in the Texas House rejected such legislation, and last year, some of the initiative's biggest backers were voted out while a number of voucher opponents were elected.

DeVos has been active for decades in efforts to push charter schools and voucher and tax-credit programs through state legislatures. But she has always opposed federal involvement in education policy, saying it should reside with state and local governments, and she does not support government restrictions on voucher and voucher-like programs.

That is why some of her closest school choice allies oppose the \$5 billion tax-credit proposal.

The Heritage Foundation, a conservative think tank in Washington that praised DeVos when she became education secretary in 2017, came out against the proposal. In a statement, Lindsey Burke, director of the Heritage Foundation's Center for Education Policy, and Adam Michel, a senior policy analyst at the foundation's Grover M. Hermann Center for the Federal Budget, said in part:

"It's wonderful that the Administration wants to advance school choice but a nationwide federal tax-credit scholarship program is the wrong way to do it. This could open the door for further education regulations down the road that neutralize the advantages of private education as well as impede future tax reform efforts.

"Future administrations could use a federal tax-credit scholarship to require that schools adhere to certain admissions and accountability policies. That would mean the federal government could further dictate testing, reporting, academic content, and even bathroom policies for all schools involved. . . .

"Furthermore, the federal tax code is an inappropriate place to intervene in state education policy. This program would complicate tax filing and undermine the important goals of the 2017 tax reform, which worked to remove subsidies and simplify taxpaying for Americans."

At the Cato Institute, a Washington think tank founded by billionaire Charles Koch that believes in limited government, Neal McCluskey came out against it, too. The director of Cato's Center for Educational Freedom, McCluskey wrote about the legislation introduced in Congress by Cruz and Byrne that would create the program:

"School choice is about individualization and freedom, and almost certainly that is what DeVos, Cruz, and Byrne want. But federal initiatives are a terrible way to deliver that. The reality is that what the feds fund, even indirectly, they inevitably want to control. DeVos, Cruz, and Byrne specifically acknowledge that historical reality in federal education policy. They write, 'A series of administrations on both sides of the aisle have tried to fill in the blank with more money and more control, each time expecting a different result.' Note that the primary vehicle for that control, the Elementary and Secondary Education Act, started aimed just at funding low-income districts. It eventually became the uber-controlling No Child Left Behind Act.

"DeVos, Cruz, and Byrne are looking to skirt the control problem, sticking with tax credits instead of vouchers, and letting states opt in. But not only is this unconstitutional — taxes are authorized to execute specific, enumerated powers, not to lightly engineer state policy — it won't, ultimately, prevent encroaching federal control. If enacted, the credit would spur people to demand their states participate, and as more schools benefited from federally connected scholarships all schools would be financially pressured to use them. But the federal government will have the power to decide which state programs are or are not eligible, and on what grounds. As Corey DeAngelis and others have noted, what happens when, instead of a President Trump, we have a President Sanders or Harris and they don't like the policies of religious schools, or maybe how economics is taught? Suddenly lots of private schools and other options will be federally pressured to look very similar — shape up or credit eligibility goes away — and true choice will be curtailed."