

EDUCATION WEEK

DeVos Takes Hot Seat in Confirmation Quest

Tough hearing for education secretary pick

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Betsy DeVos, President Donald Trump's choice to be the U.S. secretary of education, was on the hot seat last week during a confirmation hearing that grew contentious at several points. Afterwards, her remarks on everything from school choice to special education and civil rights drew both sharp condemnation and praise.

During the Jan. 17 hearing, which lasted nearly four hours, DeVos told the 12 Republican and 11 Democratic senators on the committee that she would be a "strong advocate" for public schools. "But, if a school is troubled, or unsafe, or not a good fit for a child—perhaps they have a special need that is going unmet—we should support a parent's right to enroll their child in a high-quality alternative," DeVos told the committee.

She made those comments in the face of criticisms that her record as an advocate for vouchers and other forms of school choice as the former chairman of the American Federation for Children indicate that she wouldn't adequately support traditional public schools if she were to lead the department. DeVos also cast herself as an outsider looking to shake up established practices, telling senators, "Human tendency is to protect and guard what is, because change is difficult."

When questioned by Sen. Patty Murray, D-Wash., on whether she would agree to not "cut a penny from public education" or try to privatize schools, DeVos responded that she would try to help provide parents with the best educational options possible. (Congress and the president are ultimately responsible for the amount of federal spending on public schools, not the department.)

DeVos declined to directly answer or provide key details on several education policy issues, such as implementation of the Every Student Succeeds Act and her view of several civil rights issues on which the Education Department has a say. DeVos told committee members several times, "I support accountability," but did not provide more details.

When asked about what protections lesbian, gay, bisexual, and transgender students deserved in schools, DeVos said, "I fully embrace equality," and told the committee she had never supported "conversion therapy" for gays, but did not elaborate on how that position would inform her approach.

Divided Reaction

The tone of the hearing was a major departure from past confirmation proceedings for education secretary, which often have featured praise for nominees from senators of both parties. A committee vote on DeVos' nomination was slated for Jan. 24, but was postponed.

During exchanges with Sen. Tim Kaine, D-Va., and Sen. Maggie Hassan, D-N.H., the nominee initially seemed not to be aware of basic requirements of the Individuals with Disabilities Education Act, which governs special education law. After first stating that meeting the requirements of the IDEA should be left up to states and that federal mandates were "worth discussion," DeVos back

tracked and said that federal law must be followed, adding that she "may have confused" the issue.

In a separate exchange, DeVos floated the idea that federal special education funding could be made "portable" and follow students to the schools of their choice. She cited special education voucher programs in Florida and Ohio.

Students with disabilities who get vouchers to go to private schools generally in many states must waive IDEA protections they would otherwise receive. And creating a voucher system for federal special education money would be a major change in how federal funding for special education currently works.

"It's pretty clear ... that she is not and never has been an advocate for students with disabilities," said Denise Marshall, the executive director of the Council of Parent Attorneys and Advocates, which supports legal and civil rights for students with disabilities. "The fact that she didn't understand the difference between state and federal statute is pretty appalling."

Liz King, the education policy director for the Leadership Conference on Civil and Human Rights, said DeVos' testimony in general "opened up new questions about her ability and commitment to enforcing civil rights and education laws."

School choice supporters, however, praised DeVos' remarks to the Senate education committee, arguing that she made it clear that she would back parents and students over established education systems, and would bring a fresh set of eyes to federal policy.

"I thought she was complete grace under fire," said Jeanne Allen, the founder and CEO of the Center for

Education Reform, which advocates for school choice. She also said DeVos showed she's committed to "disrupting arcane forms of education."

And Republican senators also praised her past record and advocacy in states. Sen. Lamar Alexander, R-Tenn., the committee chairman, noted that DeVos' support for charter schools was consistent with that of many Democrats, including former President Barack Obama.

"I believe she is [in] the mainstream of public opinion and her critics are not," Alexander said. DeVos defended the performance of and accountability for charter schools in Michigan, her home state, where she has done much of her lobbying and advocacy work to promote choice, and which some critics say is too lax in its oversight of charters. But she said she would not try to mandate that states offer school choice programs.

That comment pleased Neal McCluskey, the director of the Center for Educational Freedom at the Cato Institute, a free-market think tank, although it seemed to put her in conflict with Trump.

"What I don't see is how that would be consistent with the promise candidate Trump made," McCluskey said, referring to Trump's plan to create a \$20 billion federal voucher program.

Unresolved Issues

Discussing ESSA at her hearing, DeVos did provide some certainty. She indicated to the committee that she supported the accountability timeline from the Obama administration that would require states to turn in their ESSA plans in either April or September of this year.

However, when being questioned by Sen. Chris Murphy, D-Conn., she did not say whether she supported other elements of those accountability rules, or spell out her thoughts on accountability in general.

In the past, DeVos has backed school accountability using A-F grades. But Sen. Steve Daines, R-Mont., also said earlier this month that DeVos supported a legislative proposal to let states opt out of federal accountability mandates, and receive funding from Washington in the form of block grants.

Murphy also pressed DeVos about her stance on guns in schools. DeVos responded that schools in some circumstances may decide they may need firearms.

For example, she suggested, a Wyoming school brought up earlier in the hearing by Sen. Mike Enzi, R-Wyo., might decide it needs guns to fend off grizzly bears, DeVos said. (PolitiFact later reported that Wyoming and the district overseeing the school in question ban firearms.)

The comment set off a wave of criticism and was widely lampooned on social media. Murphy said in an interview with CNN that the comment was both "laughable" and "tragic."

One of the sharpest exchanges occurred when Sen. Al Franken, D-Minn., asked DeVos about her views on measuring students' growth versus their proficiency. DeVos appeared to conflate the two concepts, and when she sought further clarity from Franken, the senator cut her off and expressed surprise that she did not seem to know about the debate.

Sen. Tim Scott, R-S.C., asked her about how to improve career and technical education programs and give them more leeway.

DeVos stressed the importance of such programs, but did not share her views on CTE. DeVos took a similar approach to the issue of early education, but did say that distance learning and course choice could improve rural education, an issue raised by Enzi.

Scott is one of five GOP senators on the committee to receive campaign donations directly from DeVos. Ten senators on the committee have received donations from the DeVos family, whose net worth is estimated to be \$5.2 billion by Forbes magazine.

Democrats on the committee also were critical of the hearing being held before DeVos' ethics letter and financial disclosure documents were completed. Both were posted by the Office of Government Ethics subsequent to the hearing.