



## **Will the Same Conservative Coalition That Derailed Health Care Bill Now Kill Federal School Choice?**

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Republicans, it seems, are turning out to be President Donald Trump's own worst enemy.

Last week, the conservative House Freedom Caucus opposed the Republicans' health care bill on the grounds that it didn't do enough to repeal Obamacare regulations and return health care insurance to the free market. Their opposition, combined with that of more-moderate Republicans, was enough to sink the bill, forcing Republican leaders to pull it from the House floor after promising a repeal of Obamacare for seven years.

Now, it seems, those same forces could hamper efforts to create a new federal school choice program.

"When I hear folks talking about getting involved in Washington granting state-level tuition tax credits [for private school choice] ... and I hear the proposals that are being broadly floated, it makes me extraordinarily nervous," said Rick Hess, director of education policy studies at the conservative American Enterprise Institute.

School choice programs, meanwhile, are a top priority for Trump and Education Secretary Betsy DeVos: The president's skinny budget proposal prioritizes school choice, to the tune of \$1.4 billion, and DeVos has called for it in every speech she's made to the various think tanks and advocacy group conventions around Washington.

"Our nation's commitment is to provide a quality education to every child to serve the public, common good. Accordingly, we must shift the paradigm to think of education funding as investments made in individual children, not in institutions or buildings," DeVos said at the Brookings Institution Wednesday.

Plenty of Republican members of Congress, too, have proposed school choice bills of various stripes, ranging from allowing federal dollars to follow poor children as they transfer among

schools, to expanding college savings accounts to cover K-12 expenses, to authorizing a federal tax credit scholarship.

But the most conservative, libertarian-leaning Republicans in Congress have long said there should be a much more limited — if not totally eliminated — federal role in education. Already this year, House Republicans have introduced bills to abolish the Education Department and take all existing K-12 money and block grant it for states to use for vouchers. (The latter, HR 610, sponsored by Rep. Steve King of Iowa, has become something of a social media phenomenon, though it has zero chance of passing.)

In order to create a new school choice program, Republicans will have to figure out what they think is an appropriate federal role in education — a question they're still working out, said Robin Lake, director of the Center on Reinventing Public Education, a more centrist policy analysis organization associated with the University of Washington Bothell.

“It’s one thing to critique things like [former President Obama’s] Race to the Top that they felt were intrusive, but now that they’re in power, they need to kind of get a philosophy on this and make sure it’s internally consistent and figure out what’s going to be best for kids,” she said.

Republican leaders have said they’ll turn next to tax reform, a package that could include a federal tax credit scholarship. That should be an easier political lift than repurposing federal education dollars for school choice or creating a new directly funded voucher program, but many aren’t convinced it’s an appropriate space for the feds at all.

“The Constitution does not give the federal government the authority to intervene in education like this,” said Neal McCluskey, director of the Center for Educational Freedom at the Cato Institute, a libertarian-leaning think tank.

McClusky, Hess and other conservative school choice advocates held a panel discussion at the conservative Heritage Foundation last week, and all four said Washington should, with a few very narrow exceptions, stay out of incentivizing school choice in the states.

The pros of a new federally funded school choice proposal are simple: a lot more money, said Robert Enlow, president and CEO of EdChoice, a group that advocates for school choice measures at the state level. The con, though, gets to one basic question, he said: “What is the role of government in education at the federal level?”

Tax credit scholarships already exist in 17 states and provide individuals and businesses with tax breaks for donating to nonprofits that then give scholarships for low-income students to attend private schools.

In conservatives’ view, a federal tax credit that would expand existing programs or spur more states to create them also opens the door to more regulation on special education, hiring and firing at parochial schools, or other areas that, in their view, aren’t subject to federal meddling.

“We have to be very, very cognizant of the rules and regulations that will be brought out to bear on nonprofits across the country,” Enlow said.

Even if the Trump administration, for instance, takes a hands-off approach to regulating the programs, there's no reason to think a future Democratic administration wouldn't try to impose new rules, they said.

"We will very quickly wind up and wonder what the hell were we thinking about inviting Washington into these organizations," Hess said.

Lindsey Burke, director of the center for education policy at the Heritage Foundation, also said a federal measure, just because of its size, could crowd out new ideas bubbling up in the states, such as education savings accounts.

Similar concerns of how much regulation to place on private schools receiving public dollars — as well as which students should be eligible for those scholarships — have cropped up in Louisiana and other states as they debate their own local programs, Lake said. In Louisiana, students must be low-income and also must be attending the state's lowest-rated public schools in order to qualify for private school vouchers, and private schools that get poor results can lose their eligibility for state funds.

"The devil is in the details, and the details cause a lot of disruption and debate," she said.

If a bill passes on a purely party-line vote, Republicans can afford to lose only about 22 votes, depending on how many open seats there are in the House at the time of the vote.

There are about 30 members of the House Freedom Caucus, the group that sank the health care bill and might be among the hard-liners on a federal role in education. Another half-dozen or so representatives are among the 10 members who have co-sponsored the bill to disband the Education Department.

A tax package containing a school choice credit would be a lot more expansive than just a tax credit scholarship, of course, so some Republicans, inclined to oppose it on ideological grounds, might be swayed by another section of the bill, for instance.

Other than perhaps the handful of Democrats who have supported the federally funded D.C. private school scholarship and three freshman Democrats who supported private school choice programs during their time in state legislatures, Democrats likely won't be eager to help.

Sen. Patty Murray, the top Democrat on the Health, Education, Labor and Pensions Committee, released a memo to fellow senators last week outlining her concerns with what she called school privatization efforts, including tax credits and vouchers.

"We know that the privatization agenda is wrong," Murray said at the liberal Center for American Progress last week.

Private school choice programs aren't accountable or transparent, allow for discrimination against students, and could cause severe damage to rural schools, she said, vowing to fight instead to improve public schools and provide more choices like magnet schools, charters, and advanced coursework.

The most conservative advocates do see two distinct areas where the federal government could intervene to push school choice: Washington, D.C., and the Bureau of Indian Education. Some program for children in military families could also be fair game, they said.

The House is in the midst of reauthorizing the \$20 million D.C. Opportunity Scholarship Program, which provides federally funded scholarships to 1,154 children in Washington to attend private and parochial schools.

Sen. John McCain, Republican of Arizona, last year proposed a bill that would allow students attending schools funded through the Bureau of Indian Education — the worst in the country by nearly all measures, despite high per-pupil funding — to take their federal dollars to pay for private school tuition, homeschool materials, or other education options through an education savings account.

For military families, Sen. Tim Scott of South Carolina has proposed a small pilot program that would allow children living on military bases that don't have schools run by the Defense Department, which are top-rated, to receive vouchers to attend private school.

If and when those initiatives are passed, conservatives say, then the Trump administration should work on cutting federal education regulations and closing down the Education Department — itself a longshot idea at best.