



Betsy DeVos Unveils Federalized School Choice Plan

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Education Secretary Betsy DeVos unveiled a plan Thursday that would provide \$5 billion to federalize school choice by setting up a nationwide federal tax-credit scholarship program.

DeVos is taking her federalized school choice plan to Congress where it will be introduced in legislation in the Senate by Texas Sen. Ted Cruz (R) and in the House by Rep. Bradley Byrne, a Republican from Alabama.

Many who have been urging the Trump administration to dismantle the federal education department, however, warn another federalized program will further expand overreach into education. The U.S. Constitution provides for no federal role in education, except in the nation's capital, in the military, and among Native American tribes.

“While school choice is critical and often undervalued, a federal school choice program reaches beyond the constitutional mandate of the federal government, and presents a real danger to private education in the future,” wrote Inez Feltscher Stepman at the Federalist Thursday. “If it passes, this latest example of federal overreach could be the Trump administration’s equivalent to the Common Core debacle, and worse, could taint one of the most important reforms advanced by conservatives in the states.”

As *U.S. News & World Report* observed, under DeVos’s proposal, individuals and companies would obtain a federal tax credit if they donate to organizations offering scholarships to students to attend the schools of their choice.

Individuals and companies would be allowed to donate up to ten percent of their adjusted gross income.

Many of the details of the federalized program, such as who is eligible, education providers permitted to participate, and accountability for the federal taxpayer funds would be given to the states – although, as with Common Core, the incentive to create such programs would come from the federal government.

“This is an opportunity for states to take advantage of money that would be available to them, for programs that they design,” said an unnamed education department official, according to *Education Week*.

In her prepared remarks announcing the Education Freedom Scholarships and Opportunity Act, DeVos said her plan was not a “mandate,” but then focused on her vision of how the federal government would incentivize states to sign onto her new plan:

The key element of the proposal is freedom. Freedom for everyone involved. Students, families, teachers, schools, states can choose to participate in the program. Or they can elect not to participate. That's what freedom is all about.

Let me be clear: I firmly believe every state should embrace education freedom. But those are decisions families and communities must make. This is not another mandate.

We know gaining this freedom will require more work in some states than others. But as more states offer more options to families, demand will rise and pressure will mount on those who have not yet embraced the opportunity.

While conservatives and constitutionalists heartily support parental choice of education options, they draw a bold line where the federal government takes over the project or incentivizes states to enact it through federal taxpayer funds.

Neal McCluskey, Cato Institute's director of the Center for Educational Freedom, tweeted the title of his blog [post](#) that spells out his concerns about the new federalized plan:

"School choice is about individualization and freedom, and almost certainly that is what DeVos, Cruz, and Byrne want," McCluskey wrote. "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."

He continued:

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.

Wisconsin homeschooling parent Tina Hollenbeck told Breitbart News the proposal is "well-meaning, but misguided."

"DeVos even alluded to the fact that the federal government would use pressure to 'encourage' every state to take these 'scholarships,' which means she'd also 'encourage' eventual collection of data on all homeschoolers, not just the ones taking the credit," Hollenbeck said. "That should chill every homeschooler to the bone! I do not believe such a consequence is part of Sen. Cruz's motivation, but that doesn't mean it won't happen. "

Lindsey Burke, director of the Heritage Foundation's Center for Education Policy, and Adam Michel, a senior policy analyst in the Grover M. Hermann Center for the Federal Budget, warned such an effort could actually reverse the school choice gains already made as well as recent tax policy reforms.

"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," they [said](#) in a statement. "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."

Burke and Michel highlighted the concerns voiced often by the conservative base of Trump's Party, including that such a proposal "would grow, rather than reduce, federal intervention in education."

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

Stepman also warned that because parental choice of education options is so important, "we should be loathe to expose it to the heavy hands of federal regulators."

"Even if Republicans get a perfectly clean version of the tax credit through Congress—a tall order given the composition of the House—the door would be open for future Democratic administrations to extend a regulatory toehold into every private school that accepted students on scholarship," she asserted.