



Decoding the DeVos To-Do List

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President Donald Trump pledged on the campaign trail to direct \$20 billion in federal education spending to school choice policies. On Tuesday evening, he took a first step toward fulfilling that promise as Betsy DeVos, a billionaire school choice advocate, was sworn in as U.S. secretary of education.

The confirmation of the newly minted DeVos, whose nomination cleared the Senate by the slimmest of margins Tuesday with a tie-breaking vote cast by Vice President Mike Pence, effectively ushers in a new era in education policy. Officials are expected to move away from using federal funds to prod states into adopting certain education policies and toward loosening directives regarding how federal dollars are used.

Likely up first on that new agenda are efforts to expand school choice.

"I think that we might expect some things pretty quickly," says Lindsey Burke, an education policy fellow at conservative think tank The Heritage Foundation. "There's a real opportunity right now to expand choice in a way that's appropriate at the federal level."

But what will those things look like?

The phrase "school choice" is an umbrella for myriad policies aimed at giving students additional options for where they go to school and how they learn. There's a big difference, for instance, between school choice policies that expand public charter schools – like some policies embraced by the Obama administration, much to the consternation of teachers unions – and school voucher programs, which use federal dollars to allow parents to help pay for tuition at private schools and are much more politically tricky.

During the campaign, Trump called for a \$20 billion block grant program that would be devoted to poor students and doled out by individual states, with the funding following students should they change schools. And while Education Department officials have yet to outline any further plans, there are a handful of areas in which they could prod the Republican-controlled Congress to act immediately, in hopes of expanding school choice initiatives.

One of those is the reauthorization and expansion of the D.C. Opportunity Scholarship Program, the first federally funded, private school voucher program in the U.S. and one that the Obama

administration curtailed during its tenure. The program provides low-income families in the nation's capital with scholarships to send their children to local participating schools.

The Obama administration sought to phase out the program, arguing it drained the coffers of traditional public schools in order to benefit a small handful of students.

"Without a doubt, [DeVos] is welcome news for the 1,100 kids currently in the program," Burke says.

Congress also could be prodded to pursue school choice policies in regard to the Bureau of Indian Education.

While technically housed in the Department of the Interior, the bureau oversees some 180 schools in more than 20 states, serving about 48,000 students. It for decades has been plagued by ineffective leadership, financial mismanagement and a lack of expertise among staff in dealing with tribal schools. Native American youth, meanwhile, consistently post the worst achievement scores and lowest graduation rates of any student subgroup.

Sen. John McCain, R-Ariz., last year introduced legislation that would direct federal funding for the Bureau of Indian Education into education savings accounts for students enrolled in bureau schools in a handful states, allowing them to use the bulk of the funds for private school tuition, homeschooling or another education option. DeVos previously praised the proposal, and could press Congress to tee it up amid continued problems at the bureau.

With regard to larger school choice lifts that would impact education policy for students across the country, a handful of Republican members of Congress in both chambers have pitched legislative proposals in recent years that would shift various federal education programs toward voucher initiatives.

One, for example, would pave the way for states to use funding tied to the federal Title I program – which provides money for school districts with lots of low-income students – as a voucher initiative permitting parents of poor students to send their children to schools of their choice, including private and parochial schools. Another proposal would do a similar thing for parents of students with disabilities by allowing them to use federal funding received under the Individuals with Disabilities Act to pay for private school.

Voucher proposals in general have been universally panned by Democrats. Among their many arguments is that such policies would all but bankrupt public schools by redirecting funding toward private institutions, and that federal dollars can't be neatly doled out on a per-pupil basis.

It's unclear whether a voucher proposal would garner more support from Republican lawmakers if pushed by DeVos.

"Secretary DeVos cannot just assume she will get guaranteed Republican support to save her policy priorities," says Tamara Hiler, a senior policy adviser for education at Third Way, a centrist think tank in Washington. "We've already seen that Sens. [Lisa] Murkowski and [Susan] Collins have been willing to break with their party to oppose her, and that many of her priorities,

like vouchers and Title I portability, were litigated last year and were rejected on a bipartisan basis."

Indeed, voucher proposals have been too extreme even for many in the GOP, and efforts to include them in the recent rewrite of the federal education law – even in the more Republican-heavy House – failed.

Other, perhaps more likely, scenarios are that the newly anointed DeVos instead will pursue a school choice tax credit as a way to create vouchers or expand 529 savings accounts for college tuition to include K-12 costs.

One such legislative proposal has been floated by Sen. Marco Rubio, R-Fla., and Rep. Todd Rokita, R-Ind. Their bills would offer a federal tax credit to those who contribute to organizations that grant scholarships for low-income students to attend private schools.

Notably, most of what Trump has said about education policy and school choice has focused on chronically failing schools in cash-strapped cities like Detroit, where he posits that low-income students are trapped and parents deserve options other than traditional public schools.

Students in cities, however, accounted for just 29 percent of public elementary and secondary school students in the U.S. in the 2010-2011 school year, according to a 2016 report from the National Association of State Boards of Education. Around one-third of the country's roughly 100,000 public schools were actually located in rural areas, according to the report, and they enrolled about one-quarter of K-12 students – around 12 million in total.

And in rural areas – places that many Republicans call home – school choice policies aren't typically well-received for the simple reason that there are no other options for education save public schools.

"We're isolated – 82 percent of the communities are not attached by a road, the communities are small, the schools are smaller," Murkowski, the GOP senator from Alaska, said earlier this week on the Senate floor in explaining why she planned to oppose DeVos' nomination. "I have very rural, very remote, extremely remote schools that face challenges when it comes to how we deliver education. So knowing that we have the strongest public school system is a priority for me."

She continued: "I have serious concerns about a nominee to be secretary of education who has been so involved in one side of the equation – so immersed in the push for vouchers – that she may be unaware of what actually is successful in the public schools, and what is broken or how to fix them."

Such comments, combined with the cacophony of opposition that poured in from around the country against DeVos, underscore how politically difficult it would be for the new education secretary and Republicans to pursue widespread voucher programs.

"I don't know if this was a warning to DeVos so much as it's a warning to the Trump administration that if they tried something very big in school choice that they would have trouble getting enough support to pass it," says Neal McCluskey, director of the Center for Educational

Freedom at libertarian think tank the Cato Institute, adding that a tax credit proposal may be more appealing.

Families in rural areas could use the federal funding gained through a tax credit to, for example, buy internet access or sign their children up for online tutoring programs.

"Vouchers clearly would have a lot of opposition," McCluskey said. "They are government money following people to the schools of their choice. I think there are great arguments for it, but politically it's a harder sell."