



Biden's Education Department will move fast to reverse DeVos policies

Erica L. Green

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Like most federal agencies, the Education Department followed President Donald Trump's lead in seeking to undo the legacy of his predecessor, and Education Secretary Betsy DeVos diligently dismantled President Barack Obama's policies.

President-elect Joe Biden is planning to return the favor.

The contrasts in Trump-era education policy and the incoming Biden agenda are stark. DeVos, a lifelong booster of private schools and opponent of teachers unions, set out to reduce the Education Department's footprint by proposing cuts to public school funding and narrowing the department's enforcement of federal education laws and civil rights.

The incoming first lady, Jill Biden, is a community college professor and member of the National Education Association, the nation's largest teachers union. The Biden administration has promised to drastically increase resources for public schools, expand its civil rights advocacy for marginalized students and reassert department leadership in policymaking.

On the most pressing issue facing education, reopening schools during the pandemic, the Biden administration has signaled a dramatically different approach.

The Trump administration has demanded that schools reopen, despite severe budget constraints and confusing health guidelines, while the Education Department has all but absolved itself of tracking the virus's effect and offering solutions. The Biden campaign has promised federal relief funding and assistance for schools to address the devastating effects of the pandemic on the academic trajectory of their most vulnerable students.

But the president-elect's closeness with the powerful teachers unions has raised concerns.

Unions have come under fire from parents and school leaders who say their opposition to in-person instruction conflicts with science and students' well-being. DeVos posted a series of articles on Twitter that have questioned the unions' roles.

"When unions win, kids lose," she said.

Executive actions likely

With a potential Republican Senate and a narrow Democratic majority in the House, Biden will struggle to accomplish some of his loftiest policy goals. He has promised to bolster funding for special education, institute universal prekindergarten and triple funding for a federal program that helps schools serving high concentrations of students from low-income families, devoting some of that funding to teacher salaries. In higher education, he has promised free public college, expanding federal financial aid and canceling some student debt.

Stef Feldman, the Biden campaign's policy director, told reporters last month that Biden would "be able to get some big, bold education legislation passed and certainly immediate relief for our

schools and our educators, but that doesn't mean that we're not also going to take executive action within existing authority."

And those actions could come quickly.

Where Biden stands with unions

The transition team's strong representation from former Obama-era officials and teachers unions has been met with mixed reactions.

Keri Rodrigues, president of the National Parents Union, which represents low-income parents and parents of color, said the composition of the team made her worried that the Biden administration might stack the government with people who are "interested in fortifying the status quo that has been failing so many of our kids."

"This is the biggest table right now," she said of the transition team, "and I don't see parent groups, family groups, community groups present." She added, "It seems we're back to the same old, 'We're going to do things to you, not with you.' "

Unions were not seen as key players in Obama administration's coalition — the National Education Association called for the resignation of Obama's first education secretary, Arne Duncan — and have been at odds with centrist Democrats on some policy issues, such as charter schools, which are supported by many Black and Latino families. Biden this summer reshaped the Democratic platform to embrace a ban on federal funding for for-profit charters and to call for cutting funding to underperforming charters run by nonprofit organizations.

“He’s coming in saying he wants to unify people, and it’ll be interesting to see whether that holds for education policy,” said Charles Barone, director of policy at Democrats for Education Reform. “If you really respect the role of people who got you elected, are you going to come in and attack the choices they make for their children?”

Teachers unions have curried favor by fighting DeVos at every turn, but Biden’s alliance with them has raised concerns.

“If it looks like the teachers unions are now calling the shots, and not the people schools are supposed to be serving, the pendulum will swing the other way,” said Neal McCluskey, director of the libertarian Cato Institute’s Center for Educational Freedom.

Biden has echoed union concerns that the country needs to get the coronavirus under control to safely reopen schools and that it will take a large infusion of cash to meet safety guidelines and the needs of students who have suffered academic and social setbacks.

“Schools, they need a lot of money to open,” Biden said during the last presidential debate, citing the need for better ventilation systems, smaller class sizes and more teachers.

In his victory speech Nov. 7, the president-elect referred to Jill Biden as he declared: “For America’s educators, this is a great day. You’re going to have one of your own in the White House.”

Return of Obama-era policies

The Biden administration plans to restore Obama-era civil rights guidance — rescinded by DeVos — that allowed transgender students to choose their school bathrooms, addressed the

disproportionate disciplining of Black students and pressed for diversity in colleges and K-12 classrooms. The restoration of those guidance documents can be done immediately because they were not put through the regulatory process or enacted into law.

Undoing what is arguably DeVos' most formidable accomplishment — rules for federally funded schools investigating sexual misconduct — could be tougher. The incoming administration has vowed to dismantle those rules. As vice president, Biden had personally helped introduce the Obama-era guidelines on campus sexual misconduct that DeVos reversed through a formal rule-making.

But unlike guidance documents, which do not carry the force of law, and other DeVos regulatory measures that have been overturned by courts, the sexual misconduct rules have already held up against legal challenges. The rules would have to be overturned through legislation or rewritten through the regulatory system, a process that could take years.

Loan forgiveness

Biden's team is also eyeing DeVos' formal rules that tightened Obama-era regulations on loan forgiveness for students defrauded by their colleges and that eased oversight of for-profit colleges. Those rules could also require regulatory action if they survive court challenges.

The administration is likely to prioritize the immense backlog of loan forgiveness claims that the Trump administration let pile up, and the denials of assistance the department has issued to students who claim they were cheated by their colleges, according to officials familiar with the plans. Among the thousands of students awaiting relief are those who attended Corinthian

Colleges, a now defunct for-profit college chain that Vice President-elect Kamala Harris sued as attorney general of California.

“There’s a lot of work to be done, but it will be nice to know there’s an education secretary who’s thinking about how to protect students from predatory schools instead of the other way around,” said Aaron Ament, president of the National Student Legal Defense Network, which has sued the department for its rollbacks of loan forgiveness and consumer protection rules.

Coronavirus concerns

While Trump has emphasized low coronavirus infection rates among children, Biden has also stressed concerns for educators. During one of the debates, after Trump accused him of wanting to keep the country locked down, Biden mocked the president: “All you teachers out there, not that many of you are going to die, so don’t worry about it.”

Becky Pringle, the NEA’s president, said Biden understands that “no school system budget has a line item that says, ‘coronavirus.’ ”

Pringle noted that Biden had always been a strong supporter of the labor movement and said she was proud that he had also “leaned in” to the association’s playbook.

“He’ll take the slings and arrows for being ‘too close’ to us, and he’ll be able to say, ‘not only did they help me get elected, they help me lead in a bold way,’ ” she said.