



MEMORANDUM

RE: House Committee on Education and the Workforce, Hearing on “Examining the Policies and Priorities of the U.S. Department of Education”

May 22, 2018, 10:00 AM, 2175 Rayburn

[\[HEARING LINK\]](#)

Overview:

The House Committee on Education and the Workforce discussed the priorities of individual Members, the Committee, and the Department of Education. Many questions focused on school safety for students, equal opportunities for students of color or with disabilities, and student loans. The PROSPER Act was a point of contention between the Republicans and Democrats, with each side having opposing interpretations about the effects of the act. The Perkins CTE Act received bipartisan support, and the pressure now rests on the Senate. ESSA also received bipartisan support, but there were concerns about the approval and implementation of ESSA state plans by the Department of Education. Secretary Betsy DeVos emphasized state and local control over federal regulations or mandates. She believes states and localities should have more flexibility for funding so they can each support the issues unique to their areas.

Opening Statement Summaries:

Committee Chairwoman Virginia Foxx (R-NC) [\[Opening Statement Link\]](#)

Just a few days ago, we experienced yet another tragedy, this time at Santa Fe High School in Texas. Madam Secretary, I hope we'll hear from you today about the work of the Commission on School Safety. Given that Secretary DeVos's primary responsibility is to faithfully carry out the laws enacted by Congress, having this dialogue about the Department's priorities and activities is critical.

While the Constitution is clear about our roles, it's less clear about what we must do in terms of policy. As I have reminded members of this committee on more than one occasion, there are 4,543 words in the Constitution. Not one of them is the word “education,” or a synonym for it. I also believe most of the members of this committee would agree that our constituents have strong feelings about the role of the federal government in education policy. They often tell us: the less from Washington, the better. Local control isn't just a matter of philosophy, it's a matter of practicality.

We've seen that firsthand through the work we have done on workforce development. The Workforce Innovation and Opportunity Act and the Strengthening Career and Technical Education for the 21st Century Act reflect the simple fact that local control and input make all the difference in ensuring that educational pursuits yield real results for Americans who just want to live successful lives. This committee took a similar approach to K-12 education with the Every Students Succeeds Act. Effective accountability must have buy-in from parents, teachers, and other state and local leaders. I applaud states and school districts for stepping up to this challenge under ESSA and the Department for enforcing the law as written. Secretary DeVos has made it clear that she is also a believer in local solutions for education challenges.

Again, it's a pleasure to welcome you here today. I thank you for being here, and I now yield to Ranking Member Scott for his opening remarks.

Committee Ranking Member Bobby Scott (D-VA): [[Opening Statement Link](#)]

Welcome, Secretary DeVos. Thank you for being here this morning. I want to begin by expressing my deepest condolences to the Santa Fe High School community over the tragedy that took the lives of 8 students and 2 teachers on Friday. That was the 16th school shooting this year. We must pass gun safety legislation to stop the violence that continues to devastate our schools and our communities.

Unfortunately, since taking office, your Department has relentlessly chipped away at civil rights protections, including civil rights protections in education.

In 2017, your department:

- rescinded protections for Transgender students
- rescinded Obama-era reforms to the student loan servicing process, which helped borrowers better manage their loans
- suspended protections for student loan borrowers that enabled them to have debts discharged when a school closes abruptly or defrauds its students
- rolled back the Obama-era guidance on Title IX protections against campus-based sexual assault, despite overwhelming public support for the guidance
- rolled back 72 documents that provide guidelines on special education

This year, you have taken steps to erode protections for students of color with disabilities by proposing a delay of the Equity in IDEA rule. Most recently, you directed the Department's Office of Civil Rights to stop investigating cases of systematic inequities that harm minority students and even reopened previously resolved cases concerning accessibility for students with disabilities.

As the Department works to implement the Every Student Succeeds Act (ESSA), we have serious questions about your approval of state plans that disregard the performance of subgroups of students and violate the law. We have serious questions about your proposed deregulatory agenda for the coming year that could undermine the triad of states, accreditors, and federal oversight that support program integrity in higher education. We have questions about your Federal Commission on School Safety.

And Madam Secretary, we have questions about your publicly signaled intent to rescind the 2014 ED-DOJ School Discipline Guidance package promulgated under the Obama administration. That guidance outlines how school districts can avoid racial disparities in discipline, especially regarding suspensions, without jeopardizing school systems and school safety. The Education Department's enforcement of civil rights law appears to be in full retreat at a time when students – all students – need the Department to stand with them, fight for them, and protect their right to a quality public-school education.

To put it more plainly: Your Department is moving us further away from the promise of educational equity contained within *Brown v. Board*. I look forward to the Secretary's testimony today and having a chance to discuss these issues, which are so vital to our nation's future. Thank you Madame Chair.

Witness Testimony:

The Honorable Betsy DeVos, Secretary, U.S. Department of Education [[Testimony](#)]

Q&A:

Committee Chairwoman Virginia Foxx (R-NC): The PROSPER Act contains provisions to help students gain skills, enter the workforce, and enjoy successful careers. One provision, Workforce Pell, is similar to a proposal in your budget to expand eligibility of Pell grants to students in short term programs. What is the importance to such initiatives?

Sec. DeVos: There is a low percentage of traditional students entering 4-year college and university. Students need options to pursue great careers and high paying jobs. We need to approach Pell with flexibility. Your Pell approach in the PROSPER Act will allow for high quality, shorter term certification and credentialing program and is a step in the right direction.

Committee Chairwoman Virginia Foxx (R-NC): It is important for the Department of Education to provide services to borrowers who default on student loans to get back into repayment. What is the Department doing to ensure there is sufficient capacity to these borrowers?

Sec. DeVos: We are confident that the current agreements have the capacity to handle these.

Committee Ranking Member Bobby Scott (D-VA): PROSPER Act provides a \$15 billion cut in student aid, is that correct? Do you have another approach?

Sec. DeVos: I've heard that opined but I'm not sure I agree with that. It's an approach to giving students more flexibility in pursuing their education.

Committee Ranking Member Bobby Scott (D-VA): Public service loan forgiveness shared a report of a debacle of teachers who are in the process of fulfilling loan forgiveness requirements. How long has the Department known about that? Do you need legislation to avoid this happening again?

Sec. DeVos: We are aware and have taken steps to fix that. I do not believe we need legislation.

Committee Ranking Member Bobby Scott (D-VA): Over 50 Members of Congress sent you a letter March 7 with our disappointment of ESSA implementation and that you have approved plans that appear to violate the law. Will you respond to the letter? The law requires states to reduce the achievement gap. Some approved plans provide that the ranking of schools will not include subgroup performance. How do you comply with law if ranking of schools do not include subgroup performance?

Sec. DeVos: I have not approved any plan that does not comport to the law. The plans follow what the law requires. We hope states will do what the law requires but also go above and beyond to close the achievement gap.

Committee Vice Chair Joe Wilson (R-SC): I believe American students have a right to know if their education is propaganda from foreign countries. I recently introduced [HR 5336](#) which would require higher education institutions to disclose the contracts they have with foreign sources. Do you share my concern of the influence of foreign nation states?

Sec. DeVos: I share your concern of foreign government influence. I believe it's more of a state and institutional issue. I think more transparency would be important.

Committee Vice Chair Joe Wilson (R-SC): SC ESSA includes career readiness to report percentage of high school students who are ready by time of graduation. Last year, House passed [HR 2353](#) which would reauthorize the Perkins CTE Act. The Senate has not taken this up but there is a growing industry and greater need for skilled workers. How do you perceive the role of the federal government assistance in high/middle schools in rural districts?

Sec. DeVos: Reauthorization of Perkins is of utmost importance as we look at how to best support students. Flexibility around allowing for students in high school to begin college credit and getting a taste of beyond high school (earn and learn options), all of these areas need to be built upon and expanded. I encourage businesses to engage with schools to help create relevant programs.

Rep. Susan Davis (D-CA): As of last August, about 100,000 borrowers had filed complaints with the Department of Education saying they have been misled by their school. How many of them were from public institutions? I understand 1% of students at public institutions and less than 1% of students at not-for-profits have felt misled. That's a large percentage from for-profits.

Sec. DeVos: The exact percentage from for-profit and non-profit schools, I don't know that specifically. For claims very clearly decided, they were able to be taken care of very quickly. There was no framework to consider these. We have now put that process together and can address these pending claims. Corinthian and ITT were two large institutions where those complaints came from. Fraud is not to be tolerated in any case.

Rep. Brett Guthrie (R-KY): I want to talk about apprenticeships and hoping to find a federal role. I think it's great that you're leading in this issue. I know you served on the Apprenticeship Task Force and they provided a road map.

Sec. DeVos: I think very broadly that earn and learn opportunities are very important to be more fully developed and made available to young people. We are committed to finding and encouraging the growth of these apprenticeship opportunities and working with businesses to create industry recognized credentialing options and programs. I will work closely with Secretary Acosta where we overlap so we can advance these opportunities.

Rep. Brett Guthrie (R-KY): This has been an area that has been very bipartisan. How has CTE not being reauthorized affect you?

Sec. DeVos: Reauthorization or updating of Perkins Act is important because a lot of framework of CTE looks at present time rather than forward. We need to better serve students and the industry. I encourage the Senate to take it up very quickly.

Rep. Brett Guthrie (R-KY): Opioid epidemic – In FY 19 budget, you are looking at school-based opioid abuse prevention strategies and includes \$43 million for school climate transformation grant. How is that helping fight the opioid epidemic?

Sec. DeVos: It's a growing issue in our country. The \$43 million looks at successful programs for us to duplicate these programs. I stress the prevention and awareness of these drugs.

Rep. Raul Grijalva (D-AZ): You mention education has to be rethought and how it's delivered to the American people. Educators have been protesting at their state capitols due to the lack of funding. What do you say to these teachers?

Sec. DeVos: There is no one more important to a student's education than a great teacher. Teachers should be better compensated and should be treated as professionals. I contend that the system doesn't really treat them as professionals and force fits them into a box. It's an area we need to rethink in education.

Rep. Raul Grijalva (D-AZ): In Arizona the first step would be to roll back the tax cuts to the wealthy and redirect those funds to education. Office of English Learners director position is being eliminated – do you feel you can do that since it's in law?

Sec. DeVos: I believe you're referring to our reorganization proposal. Programs need to work together and make one another better. I've learned over the last year that many silos develop and information wasn't being shared. Proposal is to elevate the position. Wherever the changes are made that are bound by law, it's up to Congress to approve or not.

Rep. Tim Walberg (R-MI): You stated your budget focuses on improving education opportunities for all students while returning power closest to the students. How can returning power to those closest to the students, states, localities, teachers, and parents help improve opportunities and outcomes for students?

Sec. DeVos: Those closest to students know them the best. Classroom teachers need more autonomy and flexibility to meet the needs of those in the classroom.

Rep. Tim Walberg (R-MI): The PROSPER Act would reform the formula to distribute dollars based on Pell grant recipient undergraduate student needs. Is updating federal work study formula something the Department supports? Right now, the flexibility is not there.

Sec. DeVos: Yes.

Rep. Todd Rokita (R-IN): PROSPER Act reallocates taxpayer dollars from unfair programs to Pell dollars. If you take into account the whole CBO score for the bill, you'll find that "cutting \$15 billion" of the PROSPER Act actually proposes to invest close to \$30 billion in the Pell grant program with an additional 7 million Pell recipients. What is going on with the ESSA state plans?

Sec. DeVos: ESSA does give a lot of flexibility back to the states. Each state has the opportunity to take that flexibility to the state and local level. I have encouraged states to do so.

Rep. Lou Barletta (R-PA): 10.2 million children are in afterschool programs. 19.4 million additional children would participate in an afterschool program if a program was available. Students who participated in the afterschool program [SHINE](#) (Schools and Homes in Education) since 2007 improved their performance. This program was replicated within the state and saw the same results. How can we encourage these practices on the federal level and showcase them as models?

Sec. DeVos: It's inspiring to hear about the results and impacts. The Department could use this information in an easy readable way and easily accessed.

Rep. Barletta (R-PA): What is the status of the Federal School Safety Commission?

Sec. DeVos: We're in process of putting the agenda together and had a meeting this past week.

Rep. Bradley Byrne (R-AL): What is the Department doing for students who we would otherwise just lose without providing services?

Sec. DeVos: We need to ensure there are options for students who fall during the process that they can move forward. We need flexibility on the state and local levels so schools can develop without overregulation. We need replication and we can ensure that with local level flexibility.

Rep. Bradley Byrne (R-AL): CTE – How important is Perkins CTE to programs around the country?

Sec. DeVos: The renewal and update of Perkins CTE is very important.

Rep. Gregorio Kilili Camacho Sablan (D-Northern Mariana Islands): Does every state and territory have four-year institutions? Four-year degrees are cost prohibitive for students in US territories even after factoring in federal aid. How can the Department encourage and help these students to pursue their futures?

Sec. DeVos: We should encourage all students to pursue postsecondary degrees and there should be multiple pathways.

Rep. Glenn Grothman (R-WI): Do you have any plans to change Obama-era situation under WIOA which how I see it could be very harmful for people with different abilities and they are not advised to go to work centers?

Sec. DeVos: It is an area of concern for me and we're looking at closely. There are groups on both sides that have strong arguments on both sides.

Rep. Glenn Grothman (R-WI): Do you know how the 10.8% Department of Education cut is going on in the Appropriations Committee? Would you say there's a disagreement between Trump and the Republican Congress about how much we should spend in the next year?

Sec. DeVos: Many of the recommendations have not been adopted by the appropriators but that doesn't mean we shouldn't attempt to do the right thing for the taxpayers. I think there are lessons to be learned and we should be cognizant of the future and the future implications.

Rep. Suzanne Bonamici (D-OR): With higher education, states protect residents from predatory institutions. The Department published an interpretation that states are pre-empted by federal law. Are servicers doing a good job?

Sec. DeVos: Federal student aid is a federal program and has federal oversight. We believe that has to be consistent rather than 50 states with 50 types of oversight.

Rep. Suzanne Bonamici (D-OR): ESSA – Congress recognizes the value of the student support and academic enrichment program. We funded the program at \$1.1 billion for FY2018. You stated in the Appropriations Committee that program is worth revisiting. This program has been zeroed out twice in the President's budget. Will you advocate for this program to the President?

Sec. DeVos: I commit to advocate for a budget that provides flexibility for the state and local levels.

Rep. Jason Lewis (R-MN): Do you think the federal government is equipped to set school/classroom management policies or are these decisions better left for teachers and administrators?

Sec. DeVos: This is a very important issue and I believe we share the goal that students can learn in an environment that is enhancing for all of them. We need to ensure students are treated justly.

Rep. Elise Stefanik (R-NY): Perkins Loan Program - I've been hearing about lack of clarity from institutions of winding down the program specifically colleges are concerned of how their federal share will be determined and when will schools be required to surrender those funds?

Sec. DeVos: I've gotten more info about that in the wind down, our team is working with institutions so they have clarity.

Rep. Elise Stefanik (R-NY): I represent communities that have challenges that don't have private institutions. What are your ideas on rural innovation and have access to increased electives?

Sec. DeVos: When we think of rural areas, we think of added infrastructure and I like to encourage those in rural areas to think about how different choices can be introduced.

Rep. Francis Rooney (R-FL): We've seen positive results of parent choice student movement. How can we expand parent choice around the country?

Sec. DeVos: Florida had a multipronged approach: many options, parent choices, and information provided to parents. It set a standard that students need to know how to read by 3rd grade.

Rep. Francis Rooney (R-FL): We have 6 million unfilled jobs that require serious skills. CTE graduation rate is 93% compared to the national average of 80%. How can we redirect more money and emphasis to provide more CTE opportunities?

Sec. DeVos: There needs to be an update of the Perkins Act and flexibility.

Rep. Lisa Blunt Rochester (D-DE): Did you reach a conclusion on competitive integrated employment?

Sec. DeVos: I have not reached a conclusion.

Rep. Jim Banks (R-IN): What more can the committee do so other states can follow Indiana's example with school choice?

Sec. DeVos: States can encourage their state leadership to adopt and expand programs like these. This body can support more choices without mandates and more flexibility and funds that flow from the federal level.

Rep. A. Drew Ferguson (R-GA): I'm pleased to see Title II and Title IV flexibility in ESSA to provide flexibility for state and local areas.

Rep. Mark DeSaulnier (D-CA): In the Bay area, we have challenges with providing a workforce for tech companies.

Rep. Karen Handel (R-GA): There's a pilot project in the Department of Education that low-income students also have access to dual enrollment programs. This project would allow Pell grants in 40+ schools. How is that initiative going and what are you seeing?

Sec. DeVos: We don't yet have the results because it was implemented in the 16-17 school year. Analysis is underway and I trust that it will show promising results.

Rep. Karen Handel (R-GA): I encourage you to continue on that track very aggressively. It is very important for our young people to graduate prepared.

Rep. Lloyd Smucker (R-PA): Civil Service Reform – I want to ensure our federal employees are performing as well. Last year, legislation passed that gave power to the Secretary of Veterans Affairs to reduce bureaucracy and ensure the VA is meeting standards. President Trump called for these reforms across all department. Rep. Rooney and I have legislation ([HR 4702](#) Department of Education Accountability and Whistleblower Protection Act) to extend those reforms to the Department of Education and Labor. Do you believe more authority to manage performance of employees who are potentially not living up to the standards would better help you accomplish better student outcomes?

Sec. DeVos: I do think there are opportunities to do better.

Rep. Adriano Espaillat (D-NY): PROSPER, I believe, makes students borrow more, pay more to borrow more, and pay more during repayments.

Rep. Ron Estes (R-KS): In Wichita, technical colleges have consolidated locations and we're looking to make sure we have enough educated individuals for the aircraft and airspace industry. They've created a program for mechanics. Other programs try to address the shortage of skilled manufacturing industries. Is the Department looking at other areas to address these issues?

Sec. DeVos: We need to ensure we raise up the profile of these programs. I encourage local and regional communities to reach out to businesses to address changes to afford students the opportunity to pursue multiple pathways for their futures. No one needs to wait for a federal government mandate.

Rep. Glenn Thompson (R-PA): I appreciate your commitment to bringing innovation to educational benefits of all learners. I appreciate your support for CTE and apprenticeship. I met with adult students in CTE programs. There are jobs in CTE. Many have a prior Bachelor's and Master's degrees but many provide no economic value but provided a world of debt. How well have we been doing at promoting all educational pathways to success?

Sec. DeVos: We have a lot of opportunities to improve these pathways to success. We've sent the message that the only successful way to adulthood was a 4-year degree and that was ill-placed. Through collaboration on the community level between what's available and what's needed is a place we need to put more support in.

Rep. Rick Allen (R-GA): We've got a growing economy and 6.5 million jobs open. Everywhere I go in my district, people can't grow their businesses because we don't have the available workforce. This puts a lot of pressure on educators and we have passed CTE legislation and HEA. In your mind, how do you see funding to get us out of this trap that we're in? We have a lot of folks trapped in poverty that we'd love for upward movement in the job world.

Sec. DeVos: We can ensure funds are distributed with the most flexibility as possible with accountabilities and expectations but latitude on how they're deployed. We need more innovation and creativity on the state and local level to meet needs of states and regions.

Rep. Rick Allen (R-GA): Can you update the committee on the task force?

Sec. DeVos: We have undertaken the review of all of the regulations in the Department and have rescinded over 600 outdated letters and guidance. We continue that review and are committed on cleaning house while supporting students.

Committee Chairwoman Virginia Foxx (R-NC): I want to thank everyone for coming today. I appreciate the time and commitment that has been given to this hearing. I appreciate, Madam Secretary, your commitment to proper rule making and working to end "rule by letter" that consumed the Department in years past. My colleague Mr. Scott and I sent a letter to appropriators requesting funding for the ESSA block grant to help schools access the flexible funding they need to protect their students. Our joint letter noted the need for schools to have a multi-pronged approach for student safety.

I look forward to hearing what the Federal Safety Commission finds and hopes they will join us in helping local communities address this critical and urgent issue. I also appreciate your commitment to implementing ESSA as written. It's critical the Department not substitute its judgement for that of the states. I'd be remiss if I didn't mention responding to Congressional letters. I understand you've experienced an unprecedented volume of letters and it will take time to respond to them. I encourage my colleagues to lean on their Senate friends to allow your team to get in place. We know how it feels to wait on the Senate. I encourage you to make these responses a priority.

Finally, on the PROSPER Act, I appreciate your commitment to helping us modernize the higher education system. The time for reform has passed. If you're on the side of the students and jobs, one needs to support the PROSPER Act. On the PROSPER Act, Committee Democrats are still struggling to come to terms with the fact that we've produced a bill that saves both the taxpayer and the student significant money. We've discovered through our reform approach that it's possible to do both and that's exactly what we have done. We thank you for your commitment to both these objectives in higher education reform. We look forward to continuing to work with you, to put students and taxpayers first in everything we do.