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Trump and the NATION'S SCHOOLS

ASSESSING THE ADMINISTRATION'S EARLY IMPACT ON EDUCATION

Presidential candidate Donald J. Trump did not emphasize education policy during his campaign, though he proposed a \$20 billion program to promote school choice, derided Common Core, and even floated the idea of eliminating the U.S. Department of Education. As for higher education, Trump expressed concern over student debt and proposed a partial loan-forgiveness program. Observers suggested that, as president, he might roll back Obama's tough enforcement guidelines on campus sexual assault. How have Trump's policies stacked up against promises in his first year as president? What effect has his administration had on the nation's schools and colleges so far? In this forum, Lindsey M. Burke of the Heritage Foundation's Center for Education Policy argues that the administration has already made some positive strides, while Shavar Jeffries, president of Democrats for Education Reform, contends that Trump's policies have only harmed children and schools.

A STRONG START ON ADVANCING REFORM

by LINDSEY M. BURKE



SCHOOLS ARE QUINTESSENTIALLY LOCAL INSTITUTIONS that the distant federal government is ill-equipped to shape. Indeed, that government at any level delivers schooling could be at the heart of lackluster academic outcomes. Since the 1960s, combined federal, state, and local per-pupil spending has nearly tripled in real terms. The returns on this massive investment, as judged by the performance of high school students on the National Assessment of *(continued on page 60)*

HARMFUL POLICIES, VALUES, AND RHETORIC

by SHAVAR JEFFRIES



AFTER LITTLE MORE THAN A YEAR, President Donald J. Trump's policies, values, and rhetoric have had a negative impact on our nation's most vulnerable schoolchildren, particularly low-income students and students of color. This adverse effect is especially pronounced in five areas: oversight of federal education law; enforcement of federal guarantees of educational equity; budget and tax policy; the rescinding of the Deferred Action for Childhood Arrivals (DACA) policy; and *(continued on page 61)*

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Educational Progress, have been meager at best. In his inaugural address on January 20, 2017, Donald J. Trump acknowledged this disconnect, noting that the U.S. education system is “flush with cash” but leaves students “deprived of knowledge.” Yet, there is only so much that can—or should—be done by the residents of 1600 Pennsylvania Avenue or the denizens of the Department of Education (DOE). The federal government simply does not have the constitutional authority, the financing stake (K–12 education is 90 percent state and locally funded), or the capacity to manage education across the country. But there are certain reforms that can and should be taken by the administration and Congress because they are under the

school, but the eligibility of anyone (such as a grandparent) to contribute to a student beneficiary’s account can also boost a family’s purchasing power.

Under the new law, 529 savers can withdraw up to \$10,000 per year free of federal (and in some cases state) taxes to pay tuition expenses at an elementary or secondary private school. The economic benefit for families could add up substantially: holdings in 529 plans currently stand at \$275 billion, up from just \$2.4 billion in 1996. Critics of the new provision have argued that it fails to adequately extend benefits to children from low-income families, who may not have the financial means to save for tuition. States should address this issue by adopting universal education-choice options for all families (and many state-based programs are already geared specifically to low-income children

The Tax Cuts and Jobs Act, signed into law by the president in December 2017, makes K-12 private-school tuition eligible for 529 savings plans. These plans are tax-neutral savings accounts whose interest is not subject to federal taxes.

purview of the federal government or would begin the process of unwinding federal intervention in education; in little more than a year, the Trump administration has made considerable strides in that direction.

Broadly, the administration shaped K–12 and higher education in three primary ways in 2017: through policy changes in conjunction with Congress; through considerable rescissions of Obama-era regulations; and through rhetorical markers on a variety of issues affecting education.

Policy Changes

One of the most consequential reforms to unfold over the past year is also one of the most recent: the expansion of school choice through a change to 529 college savings accounts. The Tax Cuts and Jobs Act, signed into law by the president in December 2017, incorporated an amendment offered by Republican senator Ted Cruz of Texas that makes K–12 private-school tuition eligible for 529 savings plans. These plans are tax-neutral savings accounts whose interest is not subject to federal taxes. Moreover, 34 states and the District of Columbia (D.C.) offer parallel state tax deductions and credits for 529 plan contributions, making them attractive savings vehicles. Families who choose to pay for K–12 expenses using their 529 accounts will clearly have less time to save for kindergarten than for high

by virtue of means testing). But here again, the ability for anyone to contribute to a designated beneficiary’s 529 means children from low-income families are not limited to funds their parents can contribute. By equalizing the tax treatment of K–12 and higher-education savings, the new law advances school choice without increasing direct federal (*continued on page 62*)



Education secretary Betsy DeVos speaks during a January 18 rally as part of National School Choice Week.

PHOTOGRAPH/ TOM WILLIAMS; ASSOCIATED PRESS

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Trump's embrace of bigoted rhetoric and action that challenges the identities of students who are racial, ethnic, or religious minorities.

educational equity, particularly when state and local governments have fallen short of meeting their responsibilities. U.S. Secretary of Education Betsy DeVos has rolled back the regular practice of the education department's Office for Civil Rights (OCR) of probing further into civil rights complaints for evidence of larger, systemic violations. This change means that students who are harmed by state and local civil-rights violations will be far less likely to see those abuses remedied unless they, their parents, or someone else acting on their behalf files a direct and formal complaint. In March, DeVos also eliminated an appeals process for students claiming discrimination and shortened the time period in which claimants can file evidence with investigators.

Trump administration officials have also undercut protec-

Oversight of ESSA

While the Every Student Succeeds Act (ESSA) of 2015 provides states with more flexibility than its predecessor law, No Child Left Behind, the Trump administration has failed to enforce key provisions of ESSA that Congress carefully wrote into statute. For example, as pointed out last year by Republican John Kline of Minnesota, an ESSA co-author and former chair of the House Committee on Education and the Workforce,

Betsy DeVos has rolled back the practice of probing civil-rights complaints for evidence of larger, systemic violations, which means that students who are harmed by state and local civil-rights violations will be far less likely to see those abuses remedied.

“Arizona and New Hampshire recently passed laws that violate ESSA by permitting individual school districts to choose which assessments to administer.” Subsequently, the Department of Education (DOE) approved Arizona's plan despite the violation. Approval of New Hampshire's plan is still pending; however, none of DOE's feedback thus far indicates that the state's apples-to-oranges approach to comparing schools will pose an obstacle to the plan's approval. This means that in Arizona, New Hampshire, and other states, different schools will be rated according to different indexes from a long list of possible options. Those of us who advocate for accountability as a means to expand educational opportunities for students from historically disadvantaged groups fear this federal policy approach will lead districts with poor student-achievement outcomes to select menu options that mask achievement gaps, which in turn will lead to a misdirection of resources and attention away from schools that most need them. This policy is simply illustrative. The administration has also approved or given encouraging signals to plans that violate clear ESSA statutory mandates to disaggregate student-achievement outcomes by race and family income and for English language learners and students with disabilities; to test all students in grades 3–8; and to assess at least 95 percent of all students.

Civil Rights Rollback

One of the most important roles of the federal government vis-à-vis U.S. public education is ensuring civil rights and

tions against sexual abuse on college campuses. Last summer, Candice Jackson, the acting head of the OCR, dismissed the severity of the issue by asserting that 90 percent of such allegations on campus “fall into the category of ‘we were both drunk,’ ‘we broke up, and six months later I found myself under a Title IX investigation, . . .’” a statement for which she subsequently apologized. In September, DOE rescinded Obama-era guidance requiring more-stringent procedures for dealing with campus-based sexual assaults. The administration has also revoked rules and guidance dealing with other issues, including Obama-era protections for transgender students, and it is in the process of reviewing guidance aimed at preventing discriminatory school discipline on which, in testimony before Congress, DeVos said she would “defer to the judgment of state and local officials.”

Proposed Budget Cuts

My forum partner points out that budgets are “aspirational documents.” It's true that the budget drafts of any White House are usually ignored by Congress, but they reveal values and priorities. In its proposed FY2018 budget, the Trump administration called for slashing almost \$10 billion in aid to K–12 and higher education, potentially resulting in the elimination of afterschool programs, substantial cuts to career and technical education programs, fewer supports for teachers, and instability of the Pell Grant Program. Trump did propose increases to the federal Charter Schools Program, *(continued on page 63)*

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intervention in education.

Trump also advanced school choice by signing into law a reauthorization of the D.C. Opportunity Scholarship Program, putting that program on solid footing after eight years of opposition—in the form of budget eliminations and reauthorization fights—from the Obama administration. It is appropriate for the federal government to fund the D.C. program since the district is under the jurisdiction of Congress. Students there, along with Native American children attending Bureau of Indian Education (BIE) schools and children from military families,

education and justice would now “treat a student’s gender identity as the student’s sex for purposes of enforcing Title IX.” The Trump administration reversed this guidance, which had conditioned access to federal funding on schools allowing students who identify as transgender to use the bathrooms and locker rooms of their choice. The Trump departments of justice and education issued a joint letter rescinding the policy, restoring decisions about this sensitive issue to local school leaders and parents, who can work together to find accommodations for all affected parties.

On the question of sexual assault on campus, the Obama administration issued a “Dear Colleague” letter in 2011 alerting colleges and universities that they should use a “preponderance

Secretary of Education Betsy DeVos is working on a replacement for the Obama administration’s guidance on sexual assault cases, in an effort to better protect both those who make charges of sexual assault and those who are accused of it.

are the few eligible populations to whom the federal government has a unique obligation to provide education services.

Regulatory Rollback

The Trump administration has arguably had the most success on the education-reform front in its work to repeal and rescind Obama-era education regulations.

With the backing of congressional Republicans, the administration came out of the gate swinging against prescriptive regulations on the Every Student Succeeds Act (ESSA) that the Obama administration had put in place in November 2016. Congress used the Congressional Review Act to pass a repeal of a regulation requiring that states rate teacher-training programs based on their graduates’ evaluation results and another regulation dealing with accountability measures. The president signed both into law in April 2017. The accountability rule was especially prescriptive and would have required states to assign each school a single summative performance rating based on a complicated set of indicators while also dictating methods for intervention in struggling schools. Both regulations were clearly beyond the purview of the federal government and not in keeping with the spirit of ESSA, which, ostensibly, sought to restore some control over education to the states.

Similarly, the new administration deferred to local authorities on policies pertaining to gender identity. Prior to leaving office, the Obama administration expanded the reach of Title IX by reinterpreting the law, which bars discrimination on the basis of sex, arguing that it applied to gender identity. The administration informed schools across the country that the departments of

evidence” standard—rather than the more stringent “beyond a reasonable doubt” standard—when adjudicating sexual assault cases. The guidance created an unequal balance of power, stacking the deck in favor of the accuser and significantly weakening the due process rights of the accused. In September 2017, the Trump DOE rescinded the guidance, and Secretary of Education Betsy DeVos has indicated that she will be working on a replacement for the rule, in an effort to better protect both those who make charges of sexual assault and those who are accused of it.

Rhetorical Markers

Apart from its direct actions, the Trump administration’s rhetorical support for various measures, such as apprenticeship programs, continues to shape civic debate and inform congressional efforts. The White House has lauded the promise of school choice—a stark departure from the Obama years. While Obama was moderately supportive of public-school choice options such as charters, he was hostile toward private-school options such as the D.C. scholarship program. Trump, by contrast, appointed a secretary of education who had spent decades working to advance education choice for families, and his administration has attempted to advance school choice through federal policy as appropriate. The administration has also hinted at pursuing other school-choice proposals in the coming year, including a \$1 billion initiative to provide education savings accounts to military families. In my view, the federal government should have a limited role in advancing school choice through policy (military choice, the D.C. scholarship program, and choice for children attending BIE schools being among *continued on page 64*)

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but these relatively small boosts were overshadowed by the massive reductions he wanted. In fact, Trump's cuts would harm even the public charter schools he purports to support: charters rely on Title II teacher-preparation grants to train their educators, and Trump wanted to eliminate the federal appropriation for that program. Given that he is now proposing to arm teachers, I must ask: why isn't there enough money to train teachers to *teach*, when there's suddenly enough to train them to be *sharpshooters*?

In March, Congress finally passed a bipartisan spending bill

billion to \$5 billion in funding directly to public schools for services to students with disabilities and for vital support personnel such as school nurses and counselors. Research shows that children with access to Medicaid are more likely to graduate from high school and complete college than their peers who lack coverage.

In addition, Trump's "starve the beast" tax policies are likely to pressure Congress to make deep education cuts in the future. The recently enacted Tax Cuts and Jobs Act will reduce revenue, portending large decreases in federal discretionary spending. The Congressional Budget Office estimates the tax bill will add \$1.5 trillion to the deficit over

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that rejected Trump's divisive and reckless spending priorities. None of Trump's proposed education cuts were enacted—in fact, overall education funding saw a slight increase and, at the same time, important new investments were made in consensus education reforms including high-quality public charter schools.

Furthermore, the social safety net that supports vulnerable children and families is in jeopardy under the Trump administration. The ongoing efforts of the Republican-dominated House to slash Medicaid, dismantle the Affordable Care Act, and cut key social services programs would negatively affect school readiness and opportunities to learn for millions of students. More than one third of U.S. children, for example, rely on Medicaid for their health-care coverage and for screening and treatment of vision and hearing problems, developmental delays, and other conditions that, left unaddressed, can have an adverse impact on short- and long-term academic achievement. Medicaid also provides \$4

10 years. This deficit spending will ultimately require severe, across-the-board reductions in domestic programs, and Trump has already signaled, in both (*continued on page 65*)



Protesters gather on Capitol Hill to oppose Trump's decision to end the Obama administration's DACA policy.

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the few exceptions). However, the administration's rhetorical support for school-choice initiatives should bolster such efforts in the states.

Board of Education decision, which allowed public-sector unions, including teachers unions, to collect fees even when an employee declines membership. The members of the court, including Trump appointee Neil Gorsuch, heard oral arguments in *Janus v. AFSCME* in late February and appear poised to follow the administration's advice.

The White House Budget

Budgets are aspirational documents. Although Congress rarely, if ever, implements a White House budget as written, the president's funding plan sets the tone for the administration's priorities on a host of issues. The Trump administration's FY2019 budget request proposes a 5 percent reduction in spending on programs managed by DOE, eliminating grants focused on a variety of K-12 and higher-education programs, and ultimately reducing spending for the agency by \$3.6 billion. The administration's FY2018 budget went further, targeting

But without question, there is more to be done. Although the administration is constrained by the parameters of the law, the education department should continue to allow for as much flexibility for states as possible. ESSA was intended to create such flexibility on a host of measures after more than a decade of ineffective prescription ordered by No Child Left Behind. If California wants to simply identify underperforming schools on the state's dashboard, as its accountability plan suggests, or if Arizona wants to allow schools to use any standardized test that fits their needs rather than a statewide

In my view, the federal government should have a limited role in advancing school choice through policy, but the administration's rhetorical support for school-choice initiatives should bolster such efforts in the states.

reductions in federal education spending totaling \$9 billion, which would have amounted to a 13 percent cut in the DOE's \$68 billion annual budget. That recommended cutback signaled a serious commitment to lessening federal intervention in education—a necessary condition for restoring state and local control. Had Congress adhered to the White House's budget request, the proposal would have been the largest single-year percentage cut in the department's discretionary budget since President Ronald Reagan's 1983 budget proposal.

The administration's budget remained an aspirational document in 2017, and it appears the same will happen in 2018. The omnibus appropriations bill passed by Congress in late March flouted the White House's proposal by increasing, rather than decreasing, federal spending. The bill increased DOE's budget by \$3.9 billion, to \$70.9 billion, representing a 6 percent increase over 2017. The administration had rightly sought reductions in that budget, aiming to begin the process of restoring state and local control of education. Yet Congress, once again, continued the federal education-spending spree.

More to Be Done

There are already indications that the administration will continue its efforts to shape education policy. In December 2017, the Trump administration filed an amicus brief urging the U.S. Supreme Court to overturn the 1977 *Abood v. Detroit*

test, as ESSA's pilot option also allows, DOE should move out of the way of these state laboratories. (So far, the approval process for state accountability plans indicates the department is doing just that.) Ultimately, the administration should work with Congress to empower states to opt out of the law altogether and apply their share of ESSA funding toward state and local priorities. It should also work to advance choice for military families, for children in D.C., and for children attending BIE schools. And it should work with Congress to dramatically reduce higher-education subsidies and to reform accreditation, decoupling that process from federal financing in a step toward restoring it as a voluntary, meaningful practice.

In sum, within a year's time the administration has repealed onerous guidance associated with ESSA that would have infused a level of prescription on par with what prevailed under NCLB; restored decisions about school bathroom policy to localities; worked to ensure due process for the accused in cases of sexual assault allegations on college campuses; and advanced school choice in an appropriate way through existing federal policy, reauthorizing the D.C. Opportunity Scholarship Program, and empowering families across the country with choice through expanded 529 savings plans. All of these reforms augur positive change for American education because they have put control in the hands of those closest to the students the policies affect, thus moving federal education policy in the right direction.

That's a pretty strong start. ■

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his proposed FY2018 and FY2019 budgets, that he favors billions in cuts to education. Furthermore, the new cap on federal income-tax deductions for individuals will jeopardize state and local education funding in states such as California, Connecticut, New Jersey, and New York.

DACA and Dreamers

Trump also unnecessarily disrupted the lives of “Dreamers”—some 800,000 undocumented immigrants who were brought to the United States as children—and their families by ending President Obama’s DACA policy, setting an arbitrary deadline (March 5, 2018) for Congress to save the program and then breaking promise after promise to support a bipartisan legisla-

members of our society. In a post-election report titled “The Trump Effect: The Impact of the 2016 Presidential Election on Our Nation’s Schools,” the Southern Poverty Law Center presented results of a survey of more than 10,000 educators and school administrators and found that 80 percent of them reported observing heightened anxiety and concern on the part of students over the impact of the election on themselves and their families.

Trump has shown himself to be an unapologetic endorser of divisive racial, religious, and ethnic stereotypes, insisting for years that the first black president was born in Kenya and not the United States; labeling Mexican immigrants as rapists and criminals during the announcement of his presidential candidacy; attempting to ban Muslim immigrants; insinuating that a Muslim Gold Star mother had been forbidden to speak in public by her husband; and casting blame “on many

In addition to the Trump administration’s direct policy actions, Trump’s bigoted and offensive rhetoric has assaulted our racial, ethnic, and religious minorities, implying that millions of American families and children are less than full members of our society.

tive solution. Trump actually wound up opposing the proposal of the bipartisan group he had previously pledged to support, which likely determined its failure to garner the necessary 60 votes for passage in the Senate. While at this writing the courts have blocked the immediate end of DACA for current recipients, hundreds of young Americans nonetheless lose protections every day that Congress fails to act, and all Dreamers face an uncertain future.

Rescinding DACA disrupts learning environments across all levels of the U.S. education system. About 9,000 DACA K–12 teachers could be forced out of their classrooms. Students pursuing higher education will lose jobs that currently help them pay for tuition and living expenses, worsening the college dropout crisis. An estimated 200,000 citizen children whose parents have been protected under DACA will live with increased fear for their parents’ safety and may lose access to services if their parents avoid interactions with governmental agencies, including meetings with teachers and school administrators, for fear of deportation.

Climate of Fear

In addition to the Trump administration’s direct policy actions, Trump’s bigoted and offensive rhetoric has assaulted our racial, ethnic, and religious minorities, implying that millions of American families and children are less than full

sides” in the wake of neo-Nazi and white-supremacist violence. When the president of the United States gives credence to such pernicious labeling, it should be unsurprising that some impressionable young people throughout the country act to marginalize minority students, and that minority children may internalize these messages about their civic identity.

Little to Embrace

The differences I have with the Trump administration are rooted in its policies and rhetoric, not its party affiliation. In our work at Democrats for Education Reform, my colleagues and I regularly interact with elected officials across party lines in efforts to advance positive academic outcomes for students. But Trump’s commitment to significant cuts in federal discretionary spending, a deep federalist ideology that tends to defer reflexively to state action (and is thus averse to federal civil-rights guarantees), and an embrace of bigoted rhetoric and action provide little substance for pro-student reform advocates to embrace. And his administration’s proposed investments in the federal Charter Schools Program do little to offset that damage. All students, but particularly low-income students and students of color, face many challenges in their pursuit of educational opportunity, both from within and outside the schoolhouse. So far, this administration’s policies have done nothing to help alleviate these challenges. ■