



RETURNING EDUCATION TO THE SCHOOLS AND PARENTS

By Vicki E. Alger

President Donald Trump has called for major changes to federal education policy. During his bid for the White House, he vowed to cut wasteful federal spending on education while preserving funding for services; he pledged to champion school choice; and he promised to return educational policymaking to the state and local level. “We cannot have the bureaucrats in Washington telling you how to manage your child’s education,” he said in a television campaign ad.

All of these goals can be accomplished during the Trump administration, but not without a major overhaul of the US Department of Education (ED).

Created as a cabinet-level agency in 1979, ED now consists of 30 leading offices and sub-divisions with nearly 4,400 department employees, whose combined base salaries alone amount to more than \$479 million.¹ Unfortunately, there is no official inventory that uniformly defines federal programs along with their corresponding annual funding. Thus the number of programs by ED office and sub-division can only be estimated and likely understates the actual number of programs bundled within individual budget line items.

However, based on the latest available budget data, ED currently oversees approximately 115 major programs at a cost of more than \$70 billion per year, plus an additional \$150 billion in postsecondary student loan obligations.² Annual contractual services, supplies, equipment, land, structures, and other ED overhead expenses cost taxpayers roughly \$93 billion more.³

Although the US Constitution makes no provision for a federal role in education, transferring ED programs to the states will require a strong political will. Nevertheless, such a battle is worth fighting because federal encroachment has stifled local control and undermined effective education.

THREE STEPS TOWARD FEDERALISM IN EDUCATION

The restoration of constitutional federalism in education—the transfer of educational policymaking from Washington, DC, back to the states and local communities—can begin with just a few major steps:

1. *Eliminate All Non-Program Offices and Divisions.* Nineteen ED offices and divisions should be eliminated right away, within a single fiscal year.
2. *Return Non-Program Funding to Taxpayers.* Eliminating non-program offices and divisions within ED would save taxpayers nearly \$221 million in base salaries associated with more than 1,900 department employees.⁴ Those funds, along with billions more dollars in associated administrative and overhead costs, should be returned to American taxpayers in the form of a federal tax return rebate/refund.
3. *Send Program Management and Its Funding to the States.* In virtually all cases, the 115 programs currently administered by ED, along with all associated funding, should be turned over to the states. This transfer would be relatively smooth. The states already have the needed infrastructure and operate most federal grant programs. In fact, state education officials report that most of their staff (in some cases significant majorities) simply oversee and manage federal education programs. As the transferred programs/grants expire (their terms typically last one to five years), the states would decide to preserve and fund (through state taxes) those programs they deem worthwhile. Regarding postsecondary student aid, private-sector contractors already handle loan servicing. There’s no good reason this function shouldn’t be completely privatized.

EDUCATION PROGRAMS THE FEDS MIGHT STILL FUND

Three programs currently funded by the federal government should continue to receive federal funding—but none require ED:

- *Postsecondary Education Scholarships for Veterans’ Dependents.* This program receives \$518,000 in annual funding. It is an earned benefit, not an entitlement. Moving it to the Department of Veterans Affairs would reduce overhead and bring greater unity to the management of veterans’ benefits.

- *Office for Civil Rights*. This office conducts constitutionally sanctioned work, and therefore should continue at the federal level within the Department of Justice.
- *DC Opportunity Scholarship Program (DCOSP)*. Unlike most federal education efforts, this school choice program in the nation's capital is constitutionally sanctioned. However, it need not remain in ED's Office of Innovation and Improvement.

OTHER EDUCATION-RELATED WORK THE FEDS COULD MAINTAIN

Information-gathering and research into effective practices could continue at the federal level, but these efforts do not require ED:

- Data collection and statistics gathering could be moved to the US Census Bureau.
- Education research could be performed by the National Science Foundation.
- Oversight and enforcement of the Family Educational Rights and Privacy Act (FERPA), a 1974 law designed to ensure the privacy of student records, could be transferred to the Department of Justice.

THE STATES' RETURN ON EDUCATIONAL FEDERALISM

Without eliminating a single ED program, the President and Congress could act immediately to restore state and private-sector management of programs costing approximately \$200 billion. Alone, these funds should suffice to cover states' oversight and program management costs; however, this funding likely understates the actual savings states will realize from direct management of education programs, because they will no longer incur associated federal regulatory costs.

While there is no systematic reporting on the actual costs and paperwork burdens imposed on state education agencies and schools by ED program mandates, available evidence suggests these costs are significant. From 2002 to 2009, for example, ED's paperwork burden increased by an estimated 65 percent.⁵ Program-specific cost estimates in recent years have ranged from 7.8 million personnel hours annually, at a cost of \$235 million just for Title I mandates⁶, to nearly \$3.1 billion in paperwork costs associated with "gainful employment" requirements for for-profit postsecondary institutions.⁷

Another recent estimate found that Common Core has cost the states \$80 billion—nearly 20 times more than the entire cost of the Race to the Top competitive grant program that ushered in Common Core—

yet benefits to students, teachers, and schools remain elusive.⁸ Another estimate puts the annual cost of ED regulation and intervention at \$13 billion.⁹ In addition, studies have begun to chronicle examples of how ED has actually complicated educational advancement in the states and stifled innovation largely because various department mandates overlap and contradict one another.¹⁰

A strong case for federalism in education can be argued on many grounds: Constitutional, economic, political, and moral reasoning all offer robust justifications for reducing the role of the educational bureaucrats ensconced in Washington, DC. Parents—not distant bureaucrats—are endowed with unalienable rights and responsibilities over their children's education. State and local taxpayers deserve accountability for how public funds are spent—not bureaucratic indifference. And children are due the blessings and opportunities that unfold when their schools have the resources, competence, and flexibility to deliver educational excellence.

NOTES

¹U.S. Office of Personnel Management. *FedScope*. Sep. 2016 data, accessed Feb. 18, 2017.

²"[Department of Education Budget Tables: FY 2017 Congressional Action.](#)" Last updated Dec. 21, 2016.

³Office of Management and Budget. *Object Class Analysis: Budget of the U.S. Government, Fiscal Year 2017*, Table 1, p. 10, Feb. 9, 2016.

⁴U.S. Office of Personnel Management. *FedScope*, op cit.

⁵"[Hunter Statement: Hearing on Education Regulations: Burying Schools in Paperwork.](#)" Education and the Workforce Comm., U.S. House of Rep., Mar. 15, 2011.

⁶"[Kline Statement: Hearing on Education Regulations.](#)" Comm. on Education and the Workforce. Mar. 1, 2011.

⁷Langer, Andrew. "['O' is for Obama's overregulation.](#)" *The Washington Times*, May 27, 2014.

⁸Pullmann, Joy. "[Estimate: Common Core To Cost California Nearly \\$10 Billion, Nation \\$80 Billion.](#)" *The Federalist*, Jan. 27, 2016.

⁹Crews, Clyde Wayne. *Ten Thousand Commandments 2016—An Annual Snapshot of the Federal Regulatory State*. Competitive Enterprise Institute, May 3, 2016.

¹⁰Miller, Raegen, and Lake, Robin. "[Federal Barriers to Innovation.](#)" Center on Reinventing Public Education, Nov. 2012.

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