

TWO *K-12 FEDERAL EDUCATION* STRATEGIES



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The United States has long been in the middle of the pack among developed nations in K–12 education. In 2015, scores on America’s National Assessment of Education Progress—a nationwide report card of student achievement—fell nearly across the board for the first time in decades. And in 2016, U.S. high school math performance on an important international indicator, the OECD’s cross-country PISA exam, declined precipitously, to 39th place out of 70.

This poor performance has occurred despite, or perhaps because of, the growing federal role in public schools. Incoming President Trump has promised to restore—and respect—state and local control of education. To accomplish this turnaround, here are two steps that Congress and the new administration can take:

1. **Limit federal authority**
2. **Encourage school choice**

1.

Limit Federal Authority

President Obama’s signature education initiative was Race to the Top, whereby states received additional federal funds in exchange for adopting his administration’s preferred policies. Later, when money for the program dried up, the administration offered waiver relief from No Child Left Behind—President George W. Bush’s own signature education initiative—to states that stuck with President Obama’s education agenda.

In 2015, Congress repudiated this carrots-and-sticks approach by passing the Every Student Succeeds Act (ESSA). However, the Obama administration’s Department of Education (ED) proposed several regulations on school finance, accountability, and teacher preparation that largely violated the spirit of ESSA, a law intended to return power to the states. In the early days of his administration, Mr. Trump must decide how to

implement a law that has been regulated by his predecessor.

The outgoing secretary of education, John King, is soon expected to finalize the most controversial regulation regarding school finance. This regulation violates an explicit prohibition in ESSA: that the secretary of education may not micromanage the allocation of state and local funding, requiring districts to

take money from some schools to give to others. If the regulation is finalized, Mr. Trump should press Congress to use the Congressional Review Act—a rarely used tool that allows Congress to overturn executive-branch regulations within 60 congressional “session days” of issuance—to repeal it.

Mr. Trump will certainly need to contend with the Obama ED’s finalized regulations that: (i) compel states to monitor and regulate teacher preparation programs in accordance with federal guidelines; and (ii) reduce flexibility on statewide school-accountability systems by adding requirements that go well beyond the letter of the law. The effects of these regulations may not make headlines, but they maintain a prescriptive federal role for education and keep the door open to further federal intrusion.

Mr. Trump will face a choice between implementing these regulations with a

lighter hand or using the Congressional Review Act to overturn them entirely. While the first option would maintain some federal leverage and be the path of less resistance and controversy, Mr. Trump should work with Congress to overturn these regulations altogether. Doing so would make good on his promise to respect state control and prevent future administrations from issuing further regulations on these matters.

To fulfill Mr. Trump’s promise to bolster local control, the next secretary of education should also take a proactive role in assuring that district leaders can exercise flexibility with Title I funds. In the past, the many strings attached to Title I funding—which sends extra federal money to schools that serve predominantly low-income students—often handcuffed bad schools from improving, despite the infusion of extra cash. In ESSA, Congress lifted some significant restrictions on how schools are allowed

to use Title I funds and replaced them with requirements for more detailed reporting on how recipient schools spend Title I money.

Despite this positive dose of deregulation, local school leaders today may still not be able to exercise the greater flexibility that Congress intended. Title I funds filter down to school districts through state education agencies, which are staffed by risk-averse career bureaucrats who often inappropriately block initiatives—from literacy interventions to safe-passage zones—due to a mistaken understanding of what is permitted by federal statute. Mr. Trump should establish a unit in the ED to solicit and resolve instances where state bureaucracies reject schools’ use of Title I funds even when such use does not conflict with federal statute and regulation.

2.

Encourage School Choice

*... By Offering States a Bargain—
Not a Bribe*

Mr. Trump has pledged to leverage the power of the federal government to advance school choice. The wrong way to do that is to follow in the footsteps of the Obama administration by giving the ED a slush fund to offer states a bribe in exchange for adopting particular policies.

The right way to do it is to persuade Congress to offer states an opt-in bargain: additional flexibility in

exchange for adopting statewide, portable, weighted student funding. A weighted student-funding formula that allocates money to students based on their economic background and characteristics is widely regarded as a fair and efficient form of education funding. If those funds were made portable between public and charter schools, this would foster more competition in the public sector. And if the funds were also made portable to private schools, this would essentially create statewide education vouchers.

When it comes to federal involvement in charter schools, so long as the ED continues to operate the federal Charter Schools Program (CSP)—a competitive grant program that encourages states to expand high-quality charter schools—it should do so in a way that promotes deregulation and expands schooling options. The CSP already promotes the growth of high-quality charters by encouraging states to make expansion easier for charter-school networks with a proven record. States that seek CSP grants should also be required to sign

an interstate “reciprocity compact,” to fast-track the regulatory approval of high-performing charter networks across state lines.

...By Introducing Education Savings Accounts in All Federal Jurisdictions

Mr. Trump should also push Congress to grant education savings accounts (ESAs), enabling public per-pupil funding to be spent on a range of approved education expenses, to residents of federal jurisdictions—notably, Native

American reservations, military bases, and Washington, D.C.

The Native American Opportunity Act, sponsored by Senator John McCain, would create ESAs for students on Native American reservations. The CHOICE Act, sponsored by Senator Tim Scott, would do the same for the children of soldiers stationed at military bases.

Perhaps the best opportunity for Mr. Trump to expand school choice lies in Washington, D.C. The district’s

Opportunity Scholarship Program, which originated in legislation signed by President George W. Bush, has helped send thousands of low-income students to private schools and dramatically boosted high-school graduation rates. If the new president wants to be bold, he can transform the nation’s capital into a universal ESA district. Right now, D.C. spends around \$29,000 per pupil. A universal ESA program could put that money in an education account that parents can direct, fostering a vibrant market of educational options.