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Correcting Carter's Mistake: Removing Cabinet Status from the U.S. Department of Education

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KEY TAKEAWAYS

The Department of Education has run its course: After 40 years, there is scant evidence that it has benefited American students or used taxpayer money effectively.

As with the Great Society programs of 1965, elevating education to Cabinet-level status in 1980 failed to narrow academic achievement gaps.

Devolving the department and housing remaining programs with other agencies would help to restore control of education to states, localities, and families.

May 4, 2020, marks 40 years to the day when the U.S. Department of Education opened its doors. The Cabinet-level agency is no longer in its infancy; Americans have four decades of data on academic outcomes by which to measure its impact on their children. For their part, teachers and school leaders have 40 years of an ever-increasing program count, and a mounting bureaucratic compliance burden by which they can measure the impact the agency has had on their working lives. Taxpayers have the billions of dollars they have paid to assess the costs of the department, an imposing government structure stretching along Maryland Avenue, SW, in Washington, DC.

The establishment of the Department of Education in 1980 was the result of a marriage of political expediency and dissatisfaction with the subpar outcomes of the War on Poverty. In the ensuing four decades however, the academic achievement gap between children from low-income families and their higher-income peers has failed to close.[1] High school seniors' reading and math results are not significantly different than they were in the years leading up to the creation of the department,[2] civic illiteracy is rampant,[3] American students rank in the middle of the pack internationally on math and reading assessments, and an estimated one-third of college students must take remedial coursework.[4] Forty years later, there is scant evidence to suggest that the creation of a Cabinet-level Department of Education has benefitted American students—and much to suggest that it has been to their detriment.

The costs have been high for parental autonomy, taxpayer resources, and educator decision making. Inflation-adjusted federal education spending on elementary and secondary education has nearly doubled since 1980,[5] and college tuition, fueled by increases in federal student aid, increased by 213 percent from 1987 to 2017.[6] President Jimmy Carter put the imprimatur of Cabinet agency on the new Department of Education, rooting another agency in the federal bureaucracy and political culture far removed from the students and families whom its many programs affect, reflecting the "program for every problem" mentality that has emanated from Washington since 1965. The result has been a significant bureaucratic compliance burden for states and local school leaders, with few academic gains.

Forty years after its opening, Americans must reconsider the efficacy of a federal, Cabinet-level Department of Education. Rescinding agency status, eliminating duplicative, ineffective, and inappropriate programs, and re-organizing remaining programs under a restored Office of Education within the U.S. Department of Health and Human Services (HHS) would lay the groundwork for genuinely restoring state and local control of education. This *Backgrounder* provides a road map for how to accomplish that goal.

Carter and the Cabinet: The NEA Propels Carter—and Education Issues—to National Prominence

The creation of the Department of Education cannot be understood without understanding the stated goals of the National Education Association (NEA). Founded in 1857, the NEA had long pushed for the creation of a federal Department of Education. At the turn of the century, the nation's largest teachers' union began advocating for a federal agency in order to train teachers and improve literacy rates. Shortly after the union established a more formal structure of state and local affiliates in 1920,[7] the association increased its federal lobbying efforts during World War II, pushing for the enactment of the GI bill and increases in federal aid for schools near military bases.

In September 1976, the NEA made its first presidential candidate endorsement. Speaking at the special interest group's annual meeting, vice presidential candidate Walter Mondale promised the group that a Carter Administration would establish a stand-alone, Cabinet-level agency for education.[8] Mondale, whose brother was an NEA official, was a strong supporter of organized labor and a more robust federal role in education. Mondale's selection as Carter's running mate all but sealed the deal for the organization's support of the campaign.[9] The union endorsed Carter, and its members showed up in force at the 1976 Democratic National Convention. Some 172 NEA delegates voted for Carter (of 3,000 total delegates), exceeding that of any other group, and represented Carter's largest bloc of delegates at the nominating convention in July that year.[10]

Responding to a candidate questionnaire from the NEA, Carter reinforced the idea that his Administration would establish a federal Department of Education. Noting that in general he opposed "the proliferation of federal agencies," Carter stated that he was "in favor of creating a separate cabinet-level Department of Education," in order to consolidate grant programs and provide "a stronger voice for education at the federal level."[11] That position paid dividends to the Carter campaign coffers, with the NEA spending an estimated $3 million on the Carter-Mondale campaign.[12] In an effort to secure the NEA's support and Carter's place in the Oval Office, on October 30, 1976, one week before the election, Mondale reiterated the campaign's promise to elevate education at the federal level, telling the Wisconsin Education Association (an NEA affiliate) that if elected President, Carter would establish an independent Department of Education.[13]

It took some time after Carter's election, however, for concrete steps to be taken toward the creation of this new department. Vice President Mondale oversaw the task force charged with evaluating the feasibility of establishing a new federal agency.[14] Slow progress prompted the NEA to engage in a letter-writing campaign, calling on President Carter to keep his promise to establish a new Cabinet agency, and by 1977, the union was meeting with the Administration to map out a legislative strategy to accomplish the goal.[15] The effort paid off: "It's time to take another major step by creating a separate Department of Education," Carter declared in his 1978 State of the Union Address.[16] With that pronouncement, the congressional effort began in earnest.

Congressional Fight. Although President Andrew Johnson had signed into law a Department of Education in 1867, it had quickly been demoted less than a year later to a small Office of Education, dedicated to gathering education statistics. That office would ultimately become a bureau in the Department of Health, Education, and Welfare (HEW), established in 1953, which preceded the modern-day Department of Education. While Members of Congress had introduced bills to establish a federal department of education throughout the 20th century, by the time it came under serious consideration during the Carter Administration, not a single such proposal had gotten a hearing in committee since 1953. By the 1970s, its creation "was hardly an idea whose time had come."[17]

After the efforts of the NEA and other special interest groups to secure the Carter Administration's support of a stand-alone education agency, the question became not whether such an effort would be pursued, but which size and scope the proposed agency would assume. Senator Abraham Ribicoff (D–CT) introduced a bill that had made its way before the Governmental Affairs Committee to establish a federal Department of Education, which closely mirrored Carter's vision for the agency.[18] Representative Jack Brooks (D–TX) introduced companion legislation in the House to establish a federal Department of Education. Although Carter and Ribicoff had a similar vision for a comprehensive agency, not everyone agreed, and some programs and functions did not survive the legislative cut. Programs like Head Start, the federal child care program for children from low-income families, went to the HHS; the National School Lunch Program was awarded to the Department of Agriculture.

The legislative fight failed in 1978, but the NEA, along with the Carter Administration, quickly increased lobbying efforts the following year. The NEA increased the number of face-to-face meetings it had with Members of Congress in early 1979 and expanded its coalition of allies in support of the new agency, and Vice President Mondale worked daily on the effort. President Carter devoted "more time to lobbying the bill than to any other lobbying effort of his administration, except for the Panama Canal treaties," according to *Political Science Quarterly*.[19]

Arguments in Favor. Proponents argued that the United States was one of only a few major countries in the world not to have a Cabinet-level department of education or an education ministry, and that this was necessary in order to increase attention on, and federal funding for, education. They also argued that the new federal agency would increase efficiency and taxpayer savings by reducing overlap and duplication in existing federal programs, and would be better situated to deliver federal assistance. Notably, in the years following the massive increase in federal involvement in, and spending on, education precipitated by the Johnson Administration's War on Poverty education programs, proponents in the Carter Administration argued that a Cabinet-level education department was needed because "federal programs have failed to solve the problems to which they were addressed, such as rectifying inequalities in educational opportunity and profiting from research and development resources to improve the quality of education," according to University of Southern California Professor Beryl Radin and Vanderbilt University's Willis Hawley.[20] Finally, proponents argued that a Cabinet agency dedicated to education would help to fundamentally alter how the role of the federal government was perceived with respect to education.

Arguments Against. Some on the Carter campaign expressed reservations about establishing a Cabinet agency for education. Harry Weiner, a Member of the Carter transition team working on department re-organization ahead of inauguration day, argued that "an Education Secretary would not command a President's attention…[and] that a powerful HEW [Health, Education, Welfare] Secretary was more effective for education than a weak Education Secretary; that it was better to have a fraction of the HEW Secretary's time than a second-rank Secretary of Education."[21] Others in the Administration, such as the Secretary of HEW, Joseph Califano, argued that maintaining education within HEW was a better means of coordinating programs for children, and urged the President not to proceed with plans for a separate agency. Carter also faced opposition with the Office of Management and Budget, and from those who thought education should simply be a low priority for the President.[22]

Other concerns percolated. The AFL-CIO worried that the fight for a Cabinet agency was distracting from deeper issues, such as education spending and civil rights, pressing issues at the time. The American Federation of Teachers (AFT), the rival union to the NEA, feared that the new agency would be captured by the more powerful NEA.[23] The AFT even stood up the Committee Against a Separate Department of Education, which included education, civil rights, and labor representatives, along with Senator Daniel Patrick Moynihan (D–NY), who called the effort to create the agency the product of "a backroom deal, born out of squalid politics."[24]

More fundamentally, however, was the belief among most Americans that education was a state and local issue. Opponents expressed concern that policies preferred in Washington would be levied on the entire country, and there was a growing sense that the effort would increase federal control over the state and local issue of education. In recognition of those concerns, the House bill was amended to prohibit "federal direction, supervision, or control of local education programs."[25]

Ultimately, in the battle over whether there should be a stand-alone, Cabinet-level Department of Education, the newly powerful NEA won out. By 1976, the teachers' union had an estimated 1.8 million members, an average of 4,000 members in every congressional district, and had, just four years earlier, formed a political action committee (NEA-PAC) to help elect "pro-education candidates" to office.[26]

Senator Ribicoff's bill ultimately passed the Senate by a vote of 72 to 21, followed by narrow passage in the House on July 11, 1979, by a vote of 210 to 206.[27] President Carter signed into law the Department of Education Organization Act on October 17, 1979, establishing the new Cabinet agency.[28] The U.S Department of Education would officially open its doors on May 4, 1980.[29]

As then-executive director of the NEA Terry Herndon said in 1980, "there'd be no department without the NEA."[30] The new department was "a trophy that…the NEA could use to show off its power in national politics."[31]

Carter ultimately rationalized his support by believing the new federal agency would reduce administrative costs and improve policy overall. In establishing the department, Jimmy Carter, the erstwhile small-town peanut farmer from Georgia, followed in the footsteps of another small-town President with big visions for expanding federal intervention in education: Lyndon Johnson. Carter significantly expanded the Great Society education programs that Johnson signed into law in 1965, putting dozens of initiatives under one roof and further concentrating education policy decision making in Washington.[32]

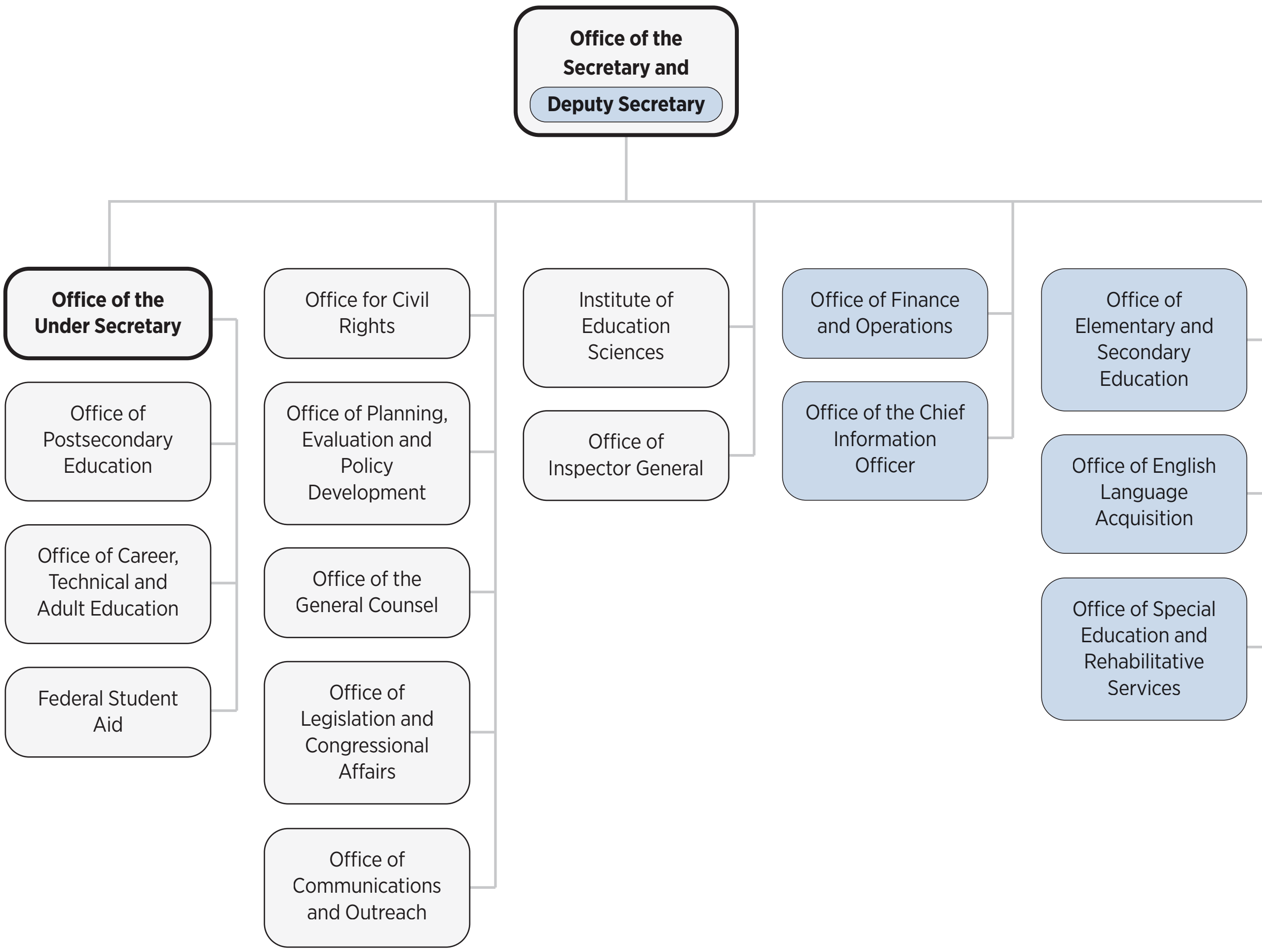
Growth in Programs, Spending, and Staffing: 1980 to 2020

When Andrew Jackson established a quickly demoted Department of Education in 1867, it had a budget of $15,000 (approximately $482,000 in 2019 dollars) and just four employees dedicated to statistics collection. In the three decades leading up to the department's creation, federal education policy was housed at the HEW. The HEW became home to three main education divisions: (1) the Office of the Assistant Secretary for Education, which housed the National Center for Education Statistics, the Postsecondary Education Office, and the Office of the Assistant Secretary; (2) the Office of Education, which administered federal financial assistance through education programs; and (3) the National Institute of Education, which supported research and development to improve educational outcomes.[33]

By the time that President Johnson enacted his War on Poverty in 1965, one-third of which was focused on federal education programs, the Office

FIGURE 1

Department of Education: Current Operating Structure



SOURCE: U.S. Department of Education, "Operating Structure," https://www2.ed.gov/about/offices/or/index.html (accessed April 28, 2020).

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of Education housed within the HEW had grown to 2,100 employees and had a budget of $1.5 billion (or approximately $12.3 billion in 2019 dollars).[34] When the Department of Education opened its doors as a Cabinet agency in 1980, it employed a staggering 6,391 full-time employees, and had a budget of $14 billion (approximately $43 billion in 2019 dollars).[35] (Personnel would subsequently decline by 23 percent under the Reagan Administration.[36]) Currently, the Department of Education has nearly 4,000 employees and a budget of about $72.3 billion.[37]

Impact on State and Local Education Operations

The cornerstone of Lyndon Johnson's Great Society K–12 education programs was the Elementary and Secondary Education Act (ESEA). The original ESEA's most durable flaw, one that has only worsened into a vice over the years, was that the law encouraged states to seek a partnership with Washington in K–12 education policy. According to policy historians, although they existed prior to the Great Society, little is known about state departments of education, known as State Education Agencies (SEAs) before that time.[38] Title V of the law (Grants to Strengthen State Departments of Education) provided states with spending—seed money, even—to operate SEAs.[39]

Apologists for centralized governance of K–12 schools may argue that Washington was merely paying states to operate agencies that would carry out federal requirements. Both parts of this equation (the spending and the requirements), however, cause problems for a federalist K–12 system, and as explained under "Academic Achievement Outcomes" below, do nothing to improve student success. Washington has a constitutionally limited role in K–12 schooling, but the ESEA ensconced the idea that states could turn to the federal government for financial assistance for K–12 purposes beyond spending for children with special needs or from low-income families, and guidance beyond civil rights enforcement. State officials have come to expect such spending.

Just 25 years after the ESEA was enacted, this federal seed money to SEAs had sprouted and accounted for 41 percent of SEA operating funds, according to the Government Accountability Office (GAO).[40] Each state is different, so some states received then, and still receive today, considerably more than the average: Federal spending accounted for 77 percent of Michigan's SEA budget in 1993, and just 6 percent of Maine's agency's budget.

At that time, the federal portion of all K–12 spending around the country represented 7 percent of the total amount spent on elementary and secondary education. This figure is only slightly larger today at 8.5 percent.[41] State and local taxpayer spending accounts for the rest.[42] These figures demonstrate that Washington had (and still has) an out-sized investment in the administrative side of operating schools, while it makes a proportionately smaller contribution to the rest of the learning process. Washington pays states to carry out federal directives and distribute a proportionately small amount of federal money (compared to state and local spending), activities that do not improve student achievement or help children from low-income families find quality learning opportunities when an assigned school is failing. As a result, states accept federal money and follow Washington's reporting requirements for the sake of receiving the money—digging a hole just to fill it in.

To wit, in 2011, Edgar Hatrick, superintendent of Loudoun County Public Schools in Virginia, testified before a congressional committee that

> [When] compliance with reporting requirements becomes the focus of implementation, it sends a powerful message that the process is more important than the product. In other words, the pressure to comply makes it seem like adherence to data collection and reporting are more important than our mission of teaching and learning.[43]

In 1998, Representative Pete Hoekstra (R–MI) led a commission that, like the 1994 GAO report on federal financing of state education agencies, also exposed a host of problems with federal regulations and state K–12 authority. "There are nearly three times as many federally funded employees of state education agencies administering federal education programs as there are U.S. Department of Education employees," the commission found, dubbing these employees part of a "shadow" Department of Education.[44] The commission estimated that states completed 48.6 million paperwork hours to receive federal spending, which at that time resulted in just 65 cents to 70 cents of each federal taxpayer dollar spent on education reaching the classroom.

The sheer number of federal activities had "actually led to a cottage industry in selling information on program descriptions, application deadlines and filing instructions for each of the myriad of federal programs."[45]

Title V of the ESEA—renamed the Every Student Succeeds Act (ESSA) in 2015—no longer provides direct support for SEAs, but more recent research still finds that federal spending accounts for an average of 41 percent of the salary expenditures at SEAs.[46] Analysts have provided little information on the ratio of federal spending to administrative requirements since the turn of the new century. Representative John Kline (R–MN) quoted from the 1994 GAO study on federal spending and SEAs in the 2011 hearing that featured Edgar Hatrick, the Loudoun County Public Schools superintendent.[47] Kline did provide an updated estimate on how long it takes for schools to handle Title I federal reporting requirements, saying that "states and school districts worked 7.8 million hours each year collecting and disseminating information required under Title I of federal education law. Those hours cost more than $235 million."[48]

Federal requirements result in schools losing spending and time meant for teacher pay and student instruction, even if Washington pays for nearly half of SEA budgets. This burden is half of the problem described above created by the ESEA. The other half is states' implicit assumption today that if Washington spends some on K–12 schools, it can spend more. In 2009, at the end of the Great Recession, federal lawmakers sent $77 billion to bail out schools, more than doubling Washington's annual expenditures for K–12 education.[49] States recovered from the recession at different rates, with some seeing per-student spending declines that lasted into the 2012–2013 school year, indicating that federal spending could not resuscitate all state K–12 budgets, and that how schools spend money matters more than how much they spend.[50] By the end of the period beginning in 2000 and lasting to 2017, all states but three were spending more per student.[51] If one widens the lens even more and looks back to 1970, says Stanford University's Eric Hanushek, policymakers will find that inflation-adjusted spending increased 150 percent, on average, between 1970 and 2010.[52] Today, no state spends less than it did in 1970 (in real dollars), again, with only three states spending less than in 2000 (in real dollars).

Impact on Student Outcomes

"If the House does agree to enshrine an insulated, super-graded federal educational bureaucracy in the Cabinet," *The Washington Post* editorialized in 1979, "the results are likely to be so costly and unhealthy for American education that many representatives, in retrospect, will be embarrassed to admit that they voted 'yea.'"[53] Unfortunately, the *Post*'s admonition was prescient. The undertaking has proven both costly and ineffective, as a large body of national statistics shows.

Academic Achievement Outcomes. The Education Department's most meaningful contribution to K–12 classrooms is one that has measured the department's inability to change student outcomes: the National Assessment of Educational Progress (NAEP), otherwise known as The Nation's Report Card. The Report Card itself predates the creation of the department by a decade and began as tests in citizenship, science, and writing for 9-, 13-, and 17-year-olds, but the Institute for Education Sciences (IES), which oversees the tests and reporting, has been a branch of the Education Department since its creation.[54] Beginning in 1969, NAEP tests have measured a representative sample of students from these age groups in citizenship (known as "civics" on the NAEP since 1998), science, and writing, adding mathematics (1986), reading (1986), arts (1997), economics (2006), geography (1994), technology and engineering literacy (2014), and U.S. history (1994) over the years.[55] The tests were created to gather data on "'output' variables as how much [sic] students are learning and what progress is being made [in] U.S. education."[56]

The tests have served as a steady reminder that no matter the increase in federal investment in K–12 schools or the size of the Cabinet-level agency, Washington has not improved student achievement over time.

In 1986, the NAEP organized its reading, math, and science assessments into two parts, a set of tests known as the "Main NAEP," which "change about every decade to reflect changes in curriculum in the nation's schools," and the "Long-Term Trend Assessment" (LTT).[57] The agency has released results from the Main NAEP since the early 1990s (the testing calendar varies by subject), while the LTT reading test began in 1971, and the math test in 1973.[58]

Because the Main NAEP changes periodically, the LTT is the best long-term indicator of average student achievement. The Main NAEP tests are more effective for comparing students in different states to each other in a given year. To gauge student learning trends and whether policies affecting a significant number of students are influencing academic achievement, the LTT is a more reliable instrument.

The results are uninspiring—dismal, even, considering the massive increase in state and federal spending on K–12 schools over the past 40 years.

In reading, the average score among 17-year-olds is not statistically significantly different today than it was in 1971.[59] In math, scores today are the same as in 1973, though the average score dipped in 1978, 1982, and 1986, making the 2012 score (306) statistically significantly higher than the results from these years (300, 298, and 302, respectively).[60]

So despite any improvements in the Main NAEP over these years, and despite changes in test scores among fourth-graders and eighth-graders, all gains are lost by the time a student is prepared to graduate from high school. Furthermore, the year-to-year score increases in the Main NAEP math test, for example, are of questionable value because either the scores do not indicate that students are better prepared for high school, or academic gains are simply lost once a student finishes high school.

The largest component of the agency's K–12 budget is Title I of the ESEA, which concerns spending for children from low-income families. So the achievement of these children, in particular, should be used as a measure of the agency's success. Yet here again, research finds that department initiatives have not narrowed the gap between children from families with different income levels. Students from wealthier families have scored higher than their peers for more than 50 years—and the gap has not narrowed, as described above.[61] The difference between the scores of children at the highest and lowest deciles of the socioeconomic distribution are "strikingly persistent," according to researchers.[62] Sadly, the agency has not even made progress with students who are the focus of the agency's efforts.

High School Graduation Rates. These results, then, cast doubt on another indicator of progress, one that some in the media and in state departments in education have hailed as a sign of success: high school graduation rates.[63] The latest figures available for what Education Department researchers call the "adjusted cohort graduation rate" (ACGR), the rate of students graduating four years after entering ninth grade, show that the national graduation rate was at an all-time high of 85 percent in the 2016–2017 school year.[64] This is an increase of six percentage points since the figure was first measured in the 2010–2011 school year, and the figure has never seen year-over-year decreases in the past six years.[65] The ratio of high school graduates using a different measure—one that has been used since before the turn of the 20th century—that compares the number of graduates to 17-year-olds in the U.S., has also seen a steady increase and now stands at 87 percent, compared to 59 percent in 1949–1950.[66]

Yet, how could results on the LTT of the Nation's Report Card be stagnant for 40 years in math and reading while high school graduation rates are increasing?

Policymakers, families, and students are justified in being suspicious. Reports from school systems in Alabama, Florida, Washington, DC, and Maryland found that school district officials altered reports or changed the way student completion rates were counted in order to make graduation rates look higher than they actually are.[67]

Fraud is only part of the problem. More concerning—and consistent with the LTT results—is that college preparedness and completion data do not demonstrate that more students are ready for postsecondary work. In 2020, the National Student Clearinghouse Research Center found that just 60 percent of college entrants finished their postsecondary studies in six years, never mind four years, with researchers even reporting the percentage of students finishing in eight years.[68] The latest results from the Nation's Report Card measured high school seniors' preparedness for college in math and reading, finding that only 37 percent of students were "academically prepared."[69] Consistently poor results from college remedial classes prompted some university systems, including the University of California system, to abandon the classes as a strategy to improve college completion rates. According to *The Wall Street Journal*, 66 percent of University of California system students completed school in six years, while 45 percent of students who took remedial classes in math and reading finished school in six years.[70]

Arizona is another state that offers an example of how high school graduation rates and college completion rates diverge sharply. Arizona's Board of Regents reports the college completion rates of graduates from state high schools. As of 2018, only 27 percent of students who graduated from a public high school in Arizona had completed a two-year or four-year degree six years after high school graduation.[71] The board reports that "if educational attainment trends stay on their current trajectory, only 17.2 percent of today's ninth graders will graduate from a four-year college by 2028."[72]

College is not a student's only option after high school, but 40 percent of young adults enrolled in college in 2017, an increase of 10 percentage points from 2000.[73] The steady increase in high school graduation rates and the increase in students enrolling in college should be an indicator that more students are prepared for postsecondary study. However the disparity between achievement test results, college completion, and high school graduation rates demonstrates that the cycle of federal initiatives over the past 40 years, along with Washington's steadily increasing presence in school operations, have not improved students' chances at succeeding in college. Neither has the Education Department helped to align outcome measures so that standard indicators of student achievement represent success.

All of these results—from the Nation's Report Card to high school graduation rates—should be considered alongside federal polices and spending that have tried to improve school outcomes. Just in the past 20 years, Washington required that each state administer one state-designated test in math and reading to all public school students in grades three to eight, and once in high school under No Child Left Behind (the 2001 reauthorization of the ESEA), changed principal evaluations and adopted national academic standards through competitive grant programs after the Great Recession, while issuing waivers to states from the testing requirements from the previous presidential Administration. Meanwhile, total per student spending in the 2016–2017 school year reached $15,424, the highest figure in U.S. history.[74] No amount of money or policy reversals has given the Education Department effective leverage to improve student outcomes.

Previous Calls for Rightsizing the Department of Education

On January 20, 1981, less than a year after the Department of Education had first opened its doors, President Ronald Reagan was sworn into office.

Reagan had promised to abolish what he called "Carter's bureaucratic boondoggle," and when he tried to do so in 1982, "he was barely able to find an author to carry his legislation."[75] As Heritage researchers wrote in 1996:

> The abolition proposal vanished without a trace. Congressional support for a Department of Education was no stronger than when the Department had been created, but just as Congress had little energy or enthusiasm for creating the Department, it could not marshal the resolve to dismantle it. The new *status quo* triumphed.[76]

Since President Reagan's initial efforts, there have been other attempts of varying levels of seriousness. For example, in 2017, Representative Thomas Massie (R–KY) introduced a proposal to close the agency as of December 31, 2018, which would scarcely leave enough time for all 4,400 employees to leave the building in what would have been the time between the bill's passage and the agency's closure date.[77]

Over the years, K–12 schools have come to provide services that some families, especially low-income families, now depend on, and which are provided through federal programs. It is true that these public services, such as free meals and after-school care, have crowded out the private sector; turning these programs off without time for private organizations to adapt, and parents and students to adjust, however, would cause significant disruption in students' routines.

More deliberative efforts include Representative Steve Gunderson's (R–WI) proposal to merge the agency with the Department of Labor and the Equal Employment Opportunity Commission in 1995.[78] While Gunderson and his supporters, including then-Speaker of the House Newt Gingrich (R–GA), had a destination for some of the agency's offices, *Education Week* still said the proposal had "few details" at the time of its release. Around the same time, then-Representative Joe Scarborough (R–FL) along with Representative Steve Chabot (R–OH) introduced a bill to abolish the department, returning K–12 and higher education spending to the HHS, and providing funding for those two sectors to states in the form of block grants.[79]

Six years later, Representative Kevin Brady (R–TX) suggested creating a commission that would be responsible for reviewing and sun-setting federal agencies as appropriate (similar agency sunset proposals had been introduced before, even predating the Education Department's creation).[80] This review process would involve federal auditors and other investigative offices that would determine which Education Department (or other agency) functions should continue, and which agencies should house these responsibilities. Each agency would have been subject to review every 12 years. Lawmakers did not pass this legislation.

The failure of this proposal helps to explain why the 1998 commission led by Representative Hoekstra cited earlier could not find anyone who knew how many education functions existed in the federal government—let alone the Education Department.[81]

More recently, candidate Donald Trump had said during his presidential campaign that he would close the department, offering as few specifics on the process as Representative Massie's proposal from 2017.[82] Once in office, President Trump made at least a rhetorical effort at promoting local authority over school curricula with an executive order rebuking the national standards movement that produced Common Core.[83] In 2017, the White House issued an order stating, "It shall be the policy of the executive branch to protect and preserve State and local control over the curriculum, program of instruction," citing the "Common Core State Standards developed under the Common Core State Standards Initiative" as restrictions from which the Trump Administration would free schools.[84]

The most substantive changes to date from the Trump Administration, though, have come during the COVID-19 pandemic. Federal lawmakers adopted the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help stabilize the economy and bolster public services—including K–12 schools—in the wake of the virus.[85] The CARES Act gave states and schools more flexibility with federal spending, including a provision that allows schools to carry forward unused Title I spending and other sections that offer schools more time to use prior fiscal year spending. The department also loosened the spending guidelines for teacher professional development programs, which should help schools as they work to move instruction online.

The agency should make this spending flexibility permanent. School budgets are sensitive to economic changes (such as recessions) because nearly half of every school's spending comes from a state's general fund—which is built on tax revenue. As designed, schools are not prepared for upheavals, such as the Great Recession (2007 to 2009) and the COVID-19 pandemic. Schools should have more options with their spending so that they can direct resources to areas of need and set aside funds to deal with financial crises. This flexibility should be accompanied by oversight from state and district offices of inspectors general and auditing offices to prevent—or at least identify—misuse of spending meant for students, but school budgets also need systemic reforms so that schools are less susceptible to economic fluctuations.

A Labyrinthine Federal Agency

It is not enough to simply close the doors and turn out the lights in the physical structure that houses the Department of Education. Policymakers interested in restoring state and local control of education by removing Cabinet status from the department must consider the future of the myriad programs and attendant funding currently overseen by the agency. This is no small task, as programs and spending have accumulated substantially in the years after the agency's 1980 inauguration.

Programs Have Built Up Over Time. Growth in programs and spending have paralleled growth in federal staff working in education over the decades. Although the original ESEA signed into law by President Johnson in 1965 as part of his Great Society significantly increased federal intervention in education, it authorized five titles with specific purposes. Title I of the law distributed funding via formula to school districts with high concentrations of children from low-income families, an approach that remains in place today. That particular piece of the law was designed to narrow the gaps in reading and math between low-income children and their higher-income peers. Title II of the law funded school libraries and textbook acquisition, while Title III funded programs for adult education, along with some special education funding. Title IV provided federal education research and training, and Title V provided grant funding to state education agencies.[86]

In 1968, Congress passed the Bilingual Education Act and the Education of the Handicapped Act,[87] followed by the ESEA Amendments Act of 1969, which added programs to Title II of ESEA for children who were refugees or who lived in public housing. That reauthorization also amended Title VI to include programs for children with special needs, Title VII provided additional spending for vocational education, and Title VIII established the Teacher Corps and the foundation for gifted and talented education programs.[88] One final, major change to the ESEA would take place before President Carter signed into law the Department of Education: the Educational Amendments of 1972. This law amended four existing laws: the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act of 1980, and the ESEA, in order to establish what is now known as Title IX, the federal law barring discrimination based on sex within federal programs.[89]

Several changes to the law happened in rapid succession throughout the 1980s: the Education Consolidation and Improvement Act of 1981 renamed Title I as Chapter I and reduced regulations associated with the Title.[90]

Congress incorporated the Emergency Immigrant Education Act of 1984 and the Women's Educational Equity Amendments of 1984 into Title IV of ESEA, and incorporated the Indian Education Amendments of 1984 into Title V of the law.[91] And in 1988, Congress passed the Hawkins–Stafford Elementary and Secondary School Improvement Act, geared toward school improvement programs and raising student achievement.[92]

The next major change to the ESEA would not come until the Clinton Administration's 1994 reauthorization, the Improving America's Schools Act. That act, paired with companion legislation known as Goals 2000, advanced arguments in favor of "standards-based reform" and furthered the idea that the ever-increasing funding from Washington should be contingent on "accountability" plans established by the states. By this point, the number of programs authorized under the ESEA had swelled to more than three dozen, while the companion Goals 2000 had "created suffocating new government bureaucracies," said Heritage analysts at the time.[93]

The level of federal intervention promulgated under the Clinton Administration would pale in comparison to that of the ESEA's sixth reauthorization, the No Child Left Behind Act of 2001 (NCLB). By the time President George W. Bush signed NCLB into law, the ESEA had ballooned to 69 federal programs.[94] Not only had NCLB authorized some five dozen programs, it also added onerous new federal testing requirements for states. States were now required to test every child annually in grades three through eight in math and reading, and again in high school. NCLB stipulated that by the 2013–2014 school year, *every* child would be proficient in math and reading. States had to demonstrate that schools were making "adequate yearly progress" toward that universal proficiency deadline, or risk federal sanctions.[95] Although states were allowed to define proficiency, not a single state was on track to meet the 2013–2014 goal.[96] Notably, NCLB also added new mandates around teacher certification, requiring (by the 2005–2006 school year) that all teachers be "highly qualified"—defined as having a bachelor's degree, full state certification or licensure, and demonstrated subject-matter expertise.[97]

By 2015, policymakers from both sides of the aisle, along with states and local school districts, were looking for relief from NCLB. The Every Student Succeeds Act (ESSA), the most recent reauthorization of the ESEA, signed into law by President Barack Obama in 2015, purported to significantly reduce programs and streamline federal spending. Although the law made important changes—most notably rescinding the "adequate yearly progress" and "highly qualified" teacher mandates of NCLB—it kept federal spending at historic highs, and many of the program cuts were phantom reductions, "eliminating" programs that had not been funded for years. Despite having cut some programs and consolidated others, ESSA also increased spending on some existing programs, while adding several new programs, including Presidential and Congressional Academies for American History and Civics, Education Innovation and Research Grants, and Preschool Development Grants, among others. When ESEA was reauthorized as ESSA in 2015, Congress appropriated $23 billion for the programs covered under the law.[98] Today, fiscal year (FY) 2020 appropriations total nearly $26 billion.

Although programs under ESSA total approximately $26 billion today, ESSA is but one (albeit the largest) federal K–12 law implemented by the Department of Education. The Individuals with Disabilities Education Act (IDEA), known as the Education for All Handicapped Children Act when President Gerald Ford signed it into law on November 29, 1975, provides federal funding to support special education services for children with special needs. The law also provides the legal framework at the federal level requiring states and school districts to guarantee a free and appropriate public education (FAPE) for children with special needs in the least-restrictive environment possible. IDEA received $13.8 billion in funding for FY 2020. IDEA is housed within the Department of Education's Office of Special Education and Rehabilitative Services, along with dozens of special education and rehabilitative services programs for children and adults. These programs cover everything from additional funding for Gallaudet University (a private, federally chartered university for the deaf) and rehabilitation training to independent living programs for older adults who are blind to Special Olympics education programs.

The Department of Education is also home to numerous career, technical, and adult education programs, including grants funded through the Perkins Career and Technical Education program, vocational education funding, and Tribally Controlled Postsecondary Career and Technical Education programs, among others. Funding for all special education programs, including IDEA, along with programs covering career and technical education and rehabilitative services, totaled $19.7 billion in FY 2020.

The Department of Education also now oversees and provides nearly all federal student aid for colleges. Whereas the Johnson Administration introduced federal underwriting of *private* student loans and laid the groundwork for the federal Pell Grant program in 1965, today the federal government originates and services—that is, provides directly—approximately 90 percent of all student loans. The Department of Education has two offices dedicated to this effort: the Office of

Postsecondary Education and the Federal Student Aid (FSA) office. The Office of Postsecondary Education operates more than 30 programs, ranging from Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) and TRIO (two programs intended to increase access to and completion of college for low-income students) to funding for Howard University and Teacher Quality Partnership grants. Nearly $3 billion was allocated to programs operated by the Office for Postsecondary Education for FY 2020.

The FSA manages a far larger portfolio, which now includes a near-monopoly on student loans. The FSA manages the federal Pell Grant program, which provides grants to income-eligible students that do not have to be repaid; the federal work study program; Teacher Education Assistance for College and Higher Education (TEACH) Grants; the Direct Loan program, which covers subsidized and unsubsidized Stafford loans to undergraduate students; Parent PLUS loans to the parents of undergraduate students; and Graduate PLUS loans to students who need financing for graduate school. Total student loan and grant volume under the FSA was approximately $137 billion for FY 2020.

One other office in the Education Department manages a considerable number of programs and projects: the Institute of Education Sciences (IES). The IES, which continues to work in the spirit of the *original* Department of Education created in 1867 and downgraded a year later to an Office of Education, collects education statistics and conducts rigorous evaluations of education programs. The IES conducts the annual NAEP, often referred to as the nation's "report card," which evaluates state-by-state (and in some cases, district-by-district) student outcomes in math, science, reading, and civics. Projects and research overseen by the IES accounted for approximately $612 million for FY 2020.

A Plan for Restructuring and Restoration of State and Local Control

During the 1995 government shutdown, the Clinton Administration deemed 89 percent of Department of Education employees "non-essential."[99] This proportion far exceeded the proportion of federal employees overall who were sent home during the shutdown, which the Republican Study Committee estimated stood at around 21.5 percent.[100] Nearly two decades later, the story was much the same: During the 2013 government shutdown, the Obama Administration identified 94 percent of Department of Education personnel as non-essential.[101]

There are indeed some essential federal functions with regard to K–12 education, such as funding the DC Opportunity Scholarship Program, the only federally funded school choice program in the country, and an appropriate undertaking since the District of Columbia is under the jurisdiction of Congress. Protecting the civil rights of students is also critical, and funding and programs for Native American students have a historical, contractual basis that has laid the foundation for federal support. Other functions and programs are now so deeply ingrained they will take time to unwind and to restore revenue responsibility for them to the states, localities, or the private sector. These are realities that policymakers must take into account when considering how to restructure and downsize the agency.

Broadly speaking, however, Congress should use a framework of constitutional, effective, and non-duplicative programs when considering which programs to maintain or eliminate. Programs that are maintained should be moved to other agencies.

Programs to Maintain and Move to Other Agencies. Compared to the more than 100 federal programs currently operated by the Department of Education, keeping those programs that are appropriate and non-duplicative, while taking time to phase out others, would trim the federal program count to roughly two dozen, all of which could be managed in other agencies. Many of the maintained programs should be housed within a restored Office of Education at the HHS, similar to how these programs were managed pre-1980.

Following are the current divisions of the Department of Education and how each one would be re-organized under the Restoring State and Local Education Control Proposal, developed in this *Backgrounder*.

The "Restoring State and Local Education Control Proposal"

Following are programs and offices that should move to the Department of Health and Human Services, the Department of the Interior, the Department of Defense, and the National Science Foundation:

Office of Elementary and Secondary Education (OESE). The OESE has 36 programs. This proposal would eliminate 28 of them on the grounds that they are ineffective or inappropriate for the federal government to undertake.

- The remaining eight programs would include: Title I, Part A; Indian Education; Special Programs for Indian Children; and Impact Aid and associated programs.

- Revenue responsibility for Title I funding would be restored to the states over a 10-year period, while in the interim, funds would be made student-centered and portable to private education options of choice.

- Title I and the DC Opportunity Scholarship Program would be moved to the restored Office of Education at the HHS.

- Indian education and special programs would be moved to the Bureau of Indian Education at the Bureau of Indian Affairs within the Department of the Interior.

- Impact Aid, which provides additional federal funding to school districts resulting from reductions in property tax revenue due to the presence of federal property, and related programs would move to the Department of Defense.

Estimated Savings: $8 billion, not including the 10-year phase-out of Title I.

Office of Career, Technical, and Adult Education. This agency has five programs. Four would be eliminated, reflecting a lack of appropriateness at the federal level.

- Postsecondary Career and Technical Education, which is tribally controlled, would be moved to the Bureau of Indian Education within the Department of the Interior.

Estimated Savings: $1.9 billion.

Office of Special Education and Rehabilitative Services (OSERS). The proposal would eliminate 14 of 22 programs at the OSERS, in order to better target resources.

- The remaining eight programs would include: the American Printing House for the Blind, funding for Gallaudet University, special education grants for infants and families, IDEA funding, funding for the National Technical Institute for the Deaf, Independent Living for Older Individuals Who are Blind, Special Olympics funding, and Vocational Rehabilitation Grants to Indians.

- Revenue responsibility for IDEA funding would be restored to states over a 10-year period, while in the interim, funding would be student-centered and portable, and managed in the new Office of Education at the HHS.

- Other special education programs would be moved to the HHS, while Vocational Rehabilitation Grants would be moved to the Bureau of Indian Education at the Department of the Interior, and funding for Gallaudet University and the National Technical Institute for the Deaf would be housed at the National Science Foundation. Remaining programs would be eliminated.

Estimated Savings: $4 billion.

Office for Postsecondary Education (OPE). This proposal would eliminate 21 of 32 programs at the OPE, narrowing funding to those areas where there has been a history of support for land grant universities, Historically Black Colleges and Universities (HBCUs), and tribally controlled colleges.

- The OPE would maintain funding for 11 programs: HBCUs and associated programs, along with Howard University and Howard University Hospital, and programs and funding for tribally controlled colleges. HBCU funding and funding for strengthening Predominantly Black Institutions (PBIs) would all move to the National Science Foundation, while programs for tribally controlled colleges would move to the Bureau of Indian Education at the Department of the Interior. Remaining programs would be eliminated.

Estimated Savings: $2.1 billion.

Institute of Education Sciences. The IES should be moved to the restored Office of Education at the HHS. Maintaining the IES reflects what should be the bulk of federal involvement in education: gathering statistics, collecting data, and producing reports and evaluations of the state of American education and education programs and their impact.

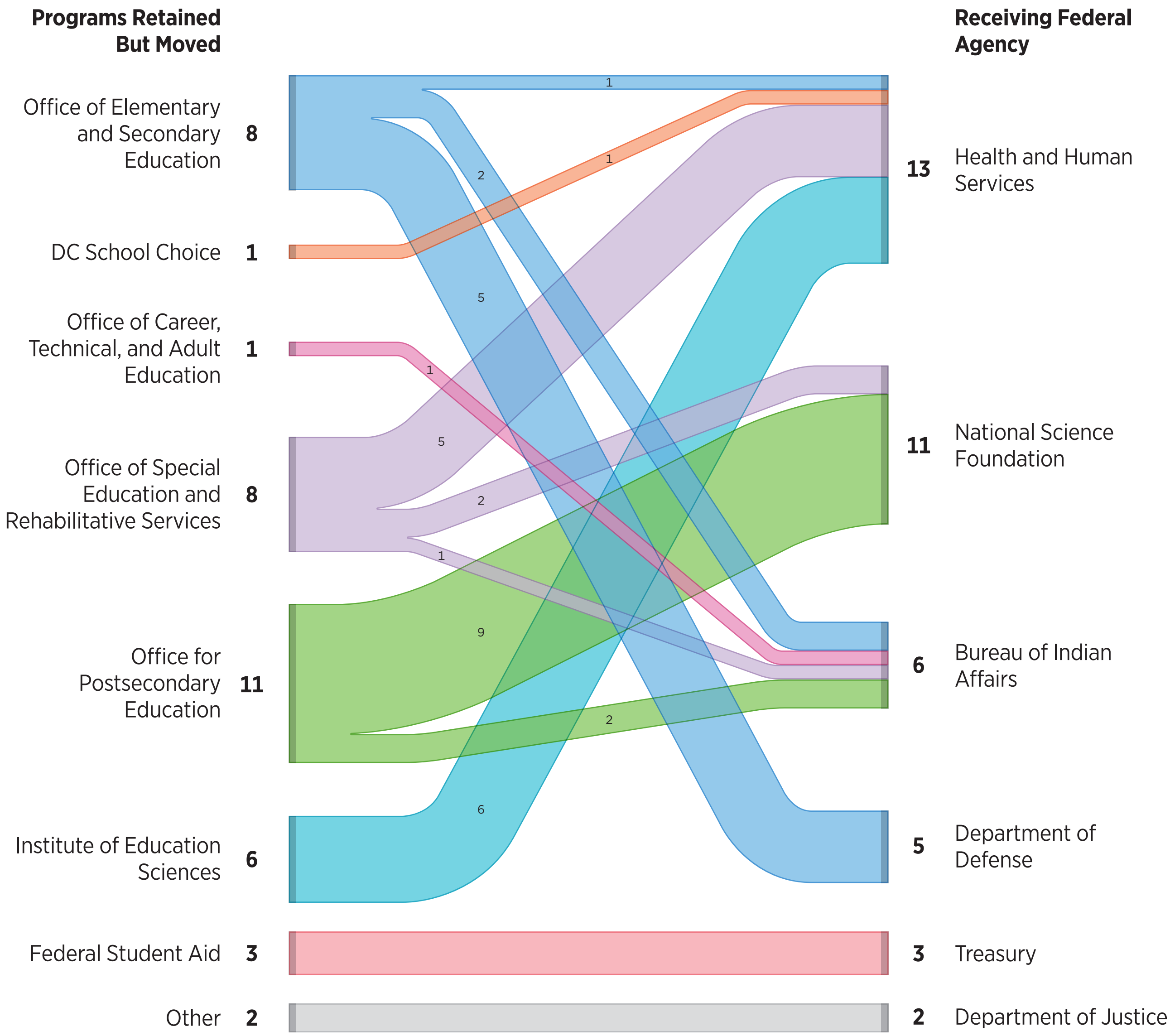
Office of Communications and Outreach (OCO). The OCO should be eliminated, with White House initiatives moved to the restored Office of Education at the HHS.

The following two offices should move to the Department of the Treasury and the Department of Justice, respectively:

FIGURE 2

Redistributing the Department of Education

Changing the Department of Education from a Cabinet-level agency would mean eliminating 81 programs and moving 40 others to different federal agencies. Here's where those programs could go.



NOTE: Some programs are retained only temporarily.

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Office of Federal Student Aid. This proposal would eliminate seven of 10 programs at the FSA, maintaining the federal Pell Grant program and the subsidized and unsubsidized Stafford Direct Loans. Pell Grants and Stafford Loans would be moved to the Treasury Department. The remaining programs would be eliminated.

Office for Civil Rights (OCR). The OCR should move to the Department of Justice. The federal government has an essential responsibility to enforce civil rights protections, but Washington should do so through the U.S. Department of Justice and federal courts.

Offices to Eliminate. The following six offices should be eliminated in their entirety, with no replacements: (1) Office of the General Counsel, (2) Office of the Inspector General, (3) Office of English Language Acquisition, (4) Office of Finance and Operations, (5) Office of the Chief Information Officer, and (6) Office of Legislative and Congressional Affairs.

Number of Programs Eliminated. The Restoring State and Local Education Control Proposal eliminates more than 80 programs and offices.

Total Savings. The proposal immediately saves more than $17 billion annually in various program eliminations and agency restructuring.[102] Savings over a decade would far exceed the immediate total, as a gradual phase-out of programs, such as Title I, is realized, restoring revenue responsibility to the states.

Downsizing a Department: Why Now?

May 4, 2020, marks 40 years, to the day, when the U.S. Department of Education opened its doors. Academic achievement outcomes have been unchanged over those past four decades, and significant gaps in performance between children from low-income families and their more affluent peers persist. These lackluster outcomes are not the fault of the agency; indeed, they have persisted since Lyndon Johnson launched his War on Poverty and massive federal intervention in education in 1965. But neither has the agency helped to reduce the gaps or improve outcomes for children. Rather, growth in federal programs and spending housed within the department have created a bureaucratic compliance burden for states and local school districts that is the equivalent of millions of "man hours" per year.[103] The programs that proliferated under the NCLB alone increased the paperwork burden of state and local education officials by an estimated 6.6 million man hours, costing taxpayers more than $140 million annually.[104]

The proliferation of this bureaucratic compliance burden and accompanying staff has not left local schools untouched. Rather, it has led to a notable productivity decline. *Non-teaching* staff in public schools increased twice as much as the number of students in those same schools from 1992 to 2015. Non-teaching staff increased 47 percent over that time period, while student enrollment increased just 20 percent.[105] This anniversary provides an opportunity to reflect on the merits of education as a Cabinet-level issue, and consider a better path for students, parents, and taxpayers.

The Restoring State and Local Education Control Proposal developed in this *Backgrounder* reflects the approach set out in the commission led by Representative Hoesktra in 1998. That year, the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce in the U.S. House of Representatives released a seminal report: "Education at a Crossroads: What Works and What's Wasted in Education Today." Under the direction of Chairman Hoekstra, the report outlined an intensive review of federal education programs and the overall federal role in education. The investigators also visited schools across the country to inform the report, worked with the GAO, and held hearings in which Committee Members heard from teachers, parents, principals, students, and state officials. The authors of the "Education at a Crossroads" report reached a conclusion at the end of this extensive process: that successful schools "were not the product of federal funding and programs, but instead were characterized by parents involved in the education of their children; local control; emphasis on basic academics; and dollars spent on the classroom, not bureaucracy and ineffective programs."[106] This *Backgrounder* has outlined the path for achieving the downsizing recommended in the "Crossroads" report:

> The federal government should only play a limited role in education: It should serve education at the state and local level as a research and statistics gathering agency, disseminating findings and enabling states to share best practices with each other. Local educators must be empowered to teach children with effective methods and adequate resources, without federal interference. Parents must once again be in charge of the education of their children.[107]

Conclusion: The Agency Has Run Its Course

The Department of Education "was not, and is not, a child of carefully reasoned policy or pressing national need. It was the product of politics and is an instrument of interest group political power," wrote Heritage Foundation researchers Denis Philip Doyle and Christine Olson in 1996.[108] They asked:

> Given the predilections of bureaucracy and the fragility of the education process, what is the compelling reason for a federal Department of Education? Is Washington more virtuous, more competent, more equitable, more knowledgeable, more capable, more caring, more decisive, or more clever than states and localities?[109]

The answer, of course, is no. Washington has far less information than state and local school leaders, and cannot compare to the expertise that parents have on the needs of their own children. Distant federal policymakers are ill-positioned to design programs and education interventions that are suited to the diverse learning needs of students across the country. This four-decades-long experiment in enshrining education as a Cabinet agency has demonstrated as much.

Devolving the department and housing remaining programs at other agencies can make space for a return to education subsidiarity, enabling local actors who are better positioned to determine policies that best meet local needs. Although the past four decades have been uninspiring when viewed through the lens of federal interventions, they have been nearly revolutionary at the state level, as state after state has moved toward school choice over the same time period. Freeing states and localities from the strictures of federal mandates, while maintaining key civil rights protections at the federal level, will allow education freedom to flourish, and remove obstacles so that students from all backgrounds can succeed in school and in life.

In correcting Carter's mistake, Congress can put states, localities, and families back in control of their own education future.

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APPENDIX TABLE 1

Recommendations for Restructuring the Department of Education (Page 1 of 5)

PROGRAM	2020 APPROPRIATIONS	RECOMMENDATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION		
Title I, Part A, Improving Basic Programs for Local Education Agencies	$16,309,802,000	Taper off over 10-year period, make student-centered and portable in interim, move to Office of Education at HHS
Title I, Part B, State Assessments	$378,000,000	Eliminate
Title I, Part C, Migratory Children	$47,614,000	Eliminate
Title I, Part D, Neglected & Delinquent	$47,614,000	Eliminate
Title II, Part A, Supporting Effective Instruction	$2,131,830,000	Eliminate
Title II, Part B, Sub 1, Teacher & School Leaders Incentives	$200,000,000	Eliminate
Title II, Part B, Sub 2, Literacy for All	$192,000,000	Eliminate
Title II, Part B, Sub 2, Sec. 2226, Innovative Approaches to Literacy	$27,000,000	Eliminate
Title II, Part B, Sub 3, American History & Civics Education	$4,815,000	Eliminate
Title II, Part B, Sub 4, Supporting Effective Educator Development	$80,000,000	Eliminate
Title III, Part A, English Language Acquisition	$787,400,000	Eliminate
Title IV, Part A, Student Support & Academic Enrichment	$1,210,000,000	Eliminate
Title IV, Part B, 21st Century Community Learning Centers	$1,249,673,000	Eliminate
Title IV, Part C, Charter School Grants	$440,000,000	Eliminate
Title IV, Part D, Magnet Schools Assistance	$107,000,000	Eliminate
Title IV, Part E, Family Engagement in Education	$10,000,000	Eliminate
Title IV, Part F, Sub 1, Education Innovation and Research	$190,000,000	Eliminate
Title IV, Part F, Sub 2, Sec. 4264, Promise Neighborhoods	$80,000,000	Eliminate
Title IV, Part F, Sub 2, Sec. 4265, Community Schools	$25,000,000	Eliminate
Title IV, Part F, Sub 3, School Safety	$105,000,000	Eliminate
Title IV, Part F, Sub 4, Sec. 4642, Arts Education	$30,000,000	Eliminate
Title IV, Part F, Sub 4, Sec. 4643 Ready-To-Learn Programming	$29,000,000	Eliminate
Title IV, Part F, Sub 4, Sec. 4653, Gifted and Talented	$13,000,000	Eliminate
Title V, Part B, Rural Education	$185,840,000	Eliminate
Title VI, Part A, Sub 1, Indian Education	$105,381,000	Move to Bureau of Indian Education at BIA
Title VI, Part A, Sub 2, Special Programs for Indian Children	$67,993,000	Move to Bureau of Indian Education at BIA
Title VI, Part A, Sub 3, National Activities	$7,365,000	Eliminate
Title VI, Part B, Native Hawaiian Education	$36,897,000	Eliminate
Title VI, Part C, Alaska Native Education	$35,953,000	Eliminate
Title VII, Sec. 7002, Impact Aid Fed Acquisition Real Property	$75,313,000	Move to Department of Defense
Title VII, Sec. 7003. Impact Aid Basic Support Payments	$1,340,242,000	Move to Department of Defense
Title VII, Sec. 7003(d), Impact Aid Children with Disabilities	$48,316,000	Move to Department of Defense
Title VII, Sec. 7007, Impact Aid Construction	$17,406,000	Move to Department of Defense
Title VII, Sec. 7008, Impact Aid Facilities Maintenance	$4,835,000	Move to Department of Defense
Title IX, Part A, Education of Homeless Children and Youth	$101,500,000	Eliminate
Title IX, Part B, Preschool Development Grants	$275,000,000	Eliminate

APPENDIX TABLE 1

Recommendations for Restructuring the Department of Education (Page 2 of 5)

PROGRAM	2020 APPROPRIATIONS	RECOMMENDATION
D.C. SCHOOL CHOICE		
D.C. School Choice Incentive Program	$17,500,000	Maintain and expand, move to Office of Education at HHS
OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION		
Adult Education—Basic Grants to States (Perkins CTE, Title I)	$1,282,598,000	Eliminate
Adult Education—National Leadership Activities	$13,712,000	Eliminate
Tribally Controlled Postsecondary Career and Technical Education Programs	$100,000,000	Move to Bureau of Indian Education at BIA
Vocational Education National Programs (Section 114)	$7,421,000	Eliminate
Vocational Education—Basic Grants to States	$656,955,000	Eliminate
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES		
American Printing House for the Blind	$32,431,000	Move to HHS
Client Assistance State Grants	$13,000,000	Eliminate
Demonstration and Training Programs	$5,796,000	Eliminate
Grants for Infants and Families	$477,000,000	Move to HHS
Gallaudet University	$137,361,000	Move to National Science Foundation
Helen Keller National Center	$16,000,000	Eliminate
Independent Living for Older Individuals Who Are Blind	$33,317,000	Move to HHS
National Technical Institute for the Deaf	$79,500,000	Move to National Science Foundation, fully transition to Rochester Institute of Technology in 10 years
IDEA—Preschool Grants	$394,120,000	Eliminate
Protecting and Advocacy of Individual Rights	$17,650,000	Eliminate
Rehabilitation Training	$29,388,000	Eliminate
Special Education—Grants to States	$12,764,392,000	Phase out funding, keep legal framework but move to DOJ, make funding student-centered and portable, move to Office of Education at HHS
Special Education—National Activities—Technology, Media, and Materials	$29,547,000	Eliminate
Special Education—National Activities—Parent Information Centers	$27,411,000	Eliminate
Special Education—Personnel Preparation (Sec 662)	$89,700,000	Eliminate
Special Education State Personnel Development Grants	$38,630,000	Eliminate
Special Education—Studies and Evaluation	$10,818,000	Eliminate
Special Education—National Activities—Technical Assistance and Dissemination	$44,345,000	Eliminate
Special Olympics Education Programs	$20,083,000	Move to HHS
Supported Employment State Grants	$22,548,000	Eliminate

APPENDIX TABLE 1

Recommendations for Restructuring the Department of Education (Page 3 of 5)

PROGRAM	2020 APPROPRIATIONS	RECOMMENDATION
Vocational Rehabilitation Grants to Indians	$45,250,000	Move to Bureau of Indian Education at BIA
Vocational Rehabilitation State Grants	$3,351,798,000	Eliminate
OFFICE FOR POSTSECONDARY EDUCATION		
Strengthening Asian American and Native American Pacific-Islander-Serving Institutions	$4,444,000	Eliminate
Mandatory Strengthening Asian American and Native American Pacific Islander Serving Institutions	$4,705,000	Eliminate
Child Care Access Means Parents in Schools Program	$53,000,000	Eliminate
Special programs for Migrant Students	$45,623,000	Eliminate
Developing Hispanic-Serving Institutions	$143,081,000	Eliminate
Mandatory Developing Hispanic Serving Institutions STEM	$94,100,000	Eliminate
Promoting Post-baccalaureate Opportunities for Hispanic Americans	$12,838,000	Eliminate
Fund for the Improvement of Postsecondary Education—Real-time Writers	$24,500,000	Eliminate
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	$356,000,000	Eliminate
Graduate Assistance in Areas of National Need	$23,047,000	Eliminate
Historically Black Colleges and Universities Capital Financing	$4,776,000	Move to National Science Foundation
Howard University	$212,693,000	Move to National Science Foundation
Howard University Hospital	$27,325,000	Move to National Science Foundation
Master's Degree Programs at Historically Black Colleges and Universities	$9,956,000	Move to National Science Foundation
Minority Science and Engineering Improvement Program	$12,635,000	Eliminate
Mandatory Strengthening Native American Serving Non-Tribal Institutions	$4,705,000	Eliminate
Strengthening Native American-Serving Non-tribal Institutions	$4,444,000	Eliminate
Predominantly Black Institutions Formula Grants	$13,197,000	Move to National Science Foundation
Mandatory Strengthening Predominantly Black Institutions	$14,115,000	Move to National Science Foundation
American Indian Tribally Controlled Colleges and Universities	$36,633,000	Move to Bureau of Indian Education at BIA
Mandatory Strengthening Tribally Controlled Colleges	$28,230,000	Move to Bureau of Indian Education at BIA
Title III Part A Programs—Strengthening Institutions	$107,854,000	Eliminate
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	$18,320,000	Eliminate
Mandatory Strengthening Alaska Native and Native Hawaiian-Serving Institutions	$14,115,000	Eliminate
Strengthening Historically Black Colleges and Universities	$324,792,000	Move to National Science Foundation

APPENDIX TABLE 1

Recommendations for Restructuring the Department of Education (Page 4 of 5)

PROGRAM	2020 APPROPRIATIONS	RECOMMENDATION
Mandatory Strengthening Historically Black Colleges and Universities	$79,985,000	Move to National Science Foundation
Strengthening Historically Black Graduate Institutions Program	$83,995,000	Move to National Science Foundation
Transition and Postsecondary Programs for Students with Intellectual Disabilities	$11,800,000	Eliminate
TRIO—McNair Post-baccalaureate Achievement Program	$1,090,000,000	Eliminate
Domestic Undergraduate International Studies and Foreign Language Program	$68,103,000	Eliminate
Overseas Undergraduate International Studies and Foreign Language Program	$8,061,000	Eliminate
Teacher Quality Partnership	$50,092,000	Eliminate
INSTITUTE OF EDUCATION SCIENCES		
Research, Development, and Dissemination (ESRA I-A, B, and D)	$195,877,000	Maintain in Office of Education at HHS
Statistics (ESRA I-C)	$110,500,000	Maintain in Office of Education at HHS
National Assessment of Educational Progress	$153,000,000	Maintain in Office of Education at HHS
National Assessment Governing Board	$7,745,000	Maintain in Office of Education at HHS
Regional Educational Laboratories	$56,022,000	Eliminate
Research in Special Education	$56,500,000	Maintain in Office of Education at HHS
Statewide Longitudinal Data Systems Grants	$33,000,000	Maintain in Office of Education at HHS
FEDERAL STUDENT AID		
Federal Family Education Loan (FFEL) Program	$13,259,764,000	Eliminate
Federal Pell Grant Program	$29,618,352,000	Move to Treasury Department
Federal Supplemental Educational Opportunity Grant (FSEOG)	$865,000,000	Eliminate
Federal Work Study	$1,180,000,000	Eliminate
Iraq and Afghanistan Service Grants	$463,000	Eliminate
TEACH Grants	$39,495,000	Eliminate
Stafford	$19,685,000,000	Move to Treasury Department
Unsubsidized Stafford	$48,860,000,000	Move to Treasury Department
Parent PLUS	$12,893,000,000	Eliminate
Grad PLUS	$11,268,000,000	Eliminate
OTHER OFFICES		
Office of Inspector General		Eliminate
Office of General Counsel		Eliminate
Office for Civil Rights		Move to DOJ
Office of English Language Acquisition		Eliminate

APPENDIX TABLE 1

Recommendations for Restructuring the Department of Education (Page 5 of 5)

PROGRAM	2020 APPROPRIATIONS	RECOMMENDATION
Office of Communications and Outreach		Eliminate, move White House Initiatives to Office of Education at HHS
Office of Finance and Operations		Eliminate
Office of the Chief Information Officer		Eliminate
Office of Legislation and Congressional Affairs		Eliminate
TOTAL 2020 APPROPRIATIONS	**$72,701,214,000**	
DEPARTMENT OF EDUCATION—SALARIES AND EXPENSES		
Salaries and Expenses–Program Administration	$430,000,000	
Salaries and Expenses–Student Aid Administration	$911,843,000	
Student Aid Servicing Activities	$857,100,000	

NOTES: HHS—Department of Health and Human Services, DOJ—Department of Justice, BIA—Bureau of Indian Affairs
SOURCES: U.S. Department of Education, "Department of Education Year 2020 Congressional Action," February 10, 2020, https://www2.ed.gov/about/overview/budget/budget20/20action.pdf (accessed April 28, 2020), and U.S. Department of Education, "Fiscal Year 2021 Budget Summary," https://www2.ed.gov/about/overview/budget/budget21/summary/21summary.pdf (accessed April 28, 2020).

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Endnotes

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