

# Department of Education

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# Streamline Department of Education Program Office Structure to Better Coordinate Services

## RECOMMENDATION

In order to better coordinate services, the President and Congress should consolidate Department of Education agencies and White House initiatives that have similar missions:

1. Transition the Performance Improvement Office, Risk Management Service, and Office of Small and Disadvantaged Business Utilization into the Office of Management and into a public-private partnership;
2. Eliminate the Office of Educational Technology;
3. Scale back the Office for Civil Rights;
4. Consolidate the Office of Innovation and Improvement into the Office of Elementary and Secondary Education;
5. Transition the Office of English Language Acquisition and the International Affairs Office into a public-private partnership;
6. Consolidate the Office of Career, Technical, and Adult Education with the Office of Postsecondary Education;
7. Consolidate the White House Initiative on Educational Excellence for African Americans, the White House Initiative on Asian Americans and Pacific Islanders, the White House Initiative on Educational Excellence for Hispanics, the White House Initiative on Historically Black Colleges and Universities, the White House Initiative on American Indian and Alaskan Native Education, and the Center for Faith-Based and Neighborhood Partnerships into a single office of outreach.

## RATIONALE

Consolidating offices can help better coordinate services while reducing duplication of services. Offices such as the Office of Technology are not the appropriate function of the federal government, and should be eliminated. Over the years, the federal Department of Education has grown in size and scope, interfering to a greater and greater extent with local school policy while failing to improve the educational outcomes

of students. That growth has rendered state departments of education and local school districts mere compliance mechanisms to Washington. Streamlining the Department of Education by merging some program offices and eliminating others will help better serve students by focusing the department on core agency functions.

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## ADDITIONAL READING

- Lindsey M. Burke, "Reducing the Federal Footprint on Education and Empowering State and Local Leaders," Heritage Foundation *Backgrounder* No. 2565, June 2, 2011.

# Eliminate Competitive and Project Grant Programs and Reduce Formula-Grant Spending

## RECOMMENDATION

Congress should eliminate competitive and project grant programs that fall under the Every Student Succeeds Act (ESSA), and reduce spending on formula-grant programs managed by the Department of Education by 10 percent.

## RATIONALE

If the federal government is to continue spending money on this quintessentially state and local function, federal policymakers should limit and better target education spending by streamlining the existing labyrinth of federal education programs. Federal competitive grant programs authorized under the Elementary and Secondary Education Act (ESEA), now known as ESSA, should be eliminated, as they are duplicative and ineffective, and federal spending should be reduced to reflect remaining formula programs authorized under Title I of ESSA and the handful of other programs that do not fall under the competitive or project grant category. Remaining programs managed by the Department of Education, such as large formula-grant programs for K–12 education, should be reduced by 10 percent.

Since the 1970s, inflation-adjusted per pupil federal education spending has nearly tripled. Spending increases reflect the number of federal education programs that have amassed over the decades. ESSA—just one federal education law—authorizes dozens of competitive and formula-grant programs, many of which are redundant and ineffective. The numerous federal education programs have not only failed to improve K–12 education nationally, but have levied a tremendous bureaucratic compliance burden on states and local school districts. In order to stop the federal education spending spree, and to ensure that state and local school leaders focus on meeting the needs of students and parents—not on satisfying federal bureaucrats—program count and associated federal spending should be curtailed.

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## ADDITIONAL READING

- Lindsey M. Burke, “How the A-PLUS Act Can Rein in the Government’s Education Power Grab,” Heritage Foundation *Backgrounder* No. 2858, November 14, 2013.
- Lindsey M. Burke, “Reducing the Federal Footprint on Education and Empowering State and Local Leaders,” Heritage Foundation *Backgrounder* No. 2565, June 2, 2011.

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# Eliminate New ESSA Programs

## RECOMMENDATION

Congress should eliminate new programs added under the Every Student Succeeds Act (ESSA).

## RATIONALE

Although ESSA (the most recent reauthorization of the ESEA) eliminated roughly two dozen programs, most of those programs were shell programs that had not been funded since 2013 or earlier. When considering just those programs that actually had funding behind them, ESSA eliminated only two that had been funded under No Child Left Behind in recent years.

It also added several new federal programs. Newly added programs increase federal intervention in K–12 education, including Preschool Development Grants (which will be managed by the Department of Health and Human Services) and Presidential and Congressional History Teaching Academies, and should be eliminated.

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## ADDITIONAL READING

- Lindsey M. Burke, *The Every Student Succeeds Act: More Programs and Federal Intervention in Pre-K and K-12 Education*, Heritage Foundation *Backgrounder* No. 3085, December 2, 2015.

# Reduce Funding for the Department of Education Office for Civil Rights

## RECOMMENDATION

Congress should reduce the Department of Education Office for Civil Rights (OCR) budget by 50 percent.

## RATIONALE

The OCR is tasked with ensuring equal access to education and enforcing civil rights laws. In recent years, it has abused its power by interpreting “sex” to mean “gender identity” for purposes of enforcing Title IX, essentially rewriting the law to require access to intimate facilities, dorms, and sports programs to students based not on biology, but on self-declared gender identity. Furthermore, the OCR has violated the principles of due process by requiring an unfairly

low burden of proof for adjudicating claims of sexual harassment or assault, and making it exceedingly difficult for the accused to defend themselves. Schools are threatened with the loss of federal funding if they do not cave to these one-size-fits-all policies. The OCR’s actions undermine the rule of law and prevent Americans from being able to make policies that will best serve all members of their communities. Its budget should be significantly cut.

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## ADDITIONAL READING

- Ryan T. Anderson, “Obama Unilaterally Rewrites Law, Imposes Transgender Policy on Nation’s Schools,” *The Daily Signal*, May 13, 2016.
- Samantha Harris, “Campus Judiciaries on Trial: An Update from the Courts,” Heritage Foundation *Legal Memorandum* No. 165, October 6, 2015.

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# Eliminate the Parent and Graduate PLUS Loan Programs

## RECOMMENDATION

Congress should eliminate Parent and Graduate Parent Loan for Undergraduate Students (PLUS) loans.

## RATIONALE

Parent PLUS loans are available to parents of undergraduate students; they are able to borrow up to the cost of attendance at a given college. The loans are available in addition to federal loans that are already available to the students themselves. The availability of Parent PLUS loans, created in 1980, has resulted in families incurring substantial debt, while failing to ease the cost of college over time. Similarly, the Graduate PLUS loan program, open to graduate students

who choose loans to finance graduate school, enables students to borrow up to the full cost of attendance. These programs have fueled borrowing and debt among students and their parents, while incentivizing colleges to raise costs. As a considerable driver of higher education costs that also shifts the burden of paying for defaults to the American taxpayer, the PLUS loan programs should be eliminated.

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## ADDITIONAL READING

- Jamie Hall and Mary Clare Reim, "Time to Reform Higher Education Financing and Accreditation," Heritage Foundation *Issue Brief* No. 4668, March 28, 2017.

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# Direct the Department of Education to Rescind the “Gainful Employment” Regulations

## RECOMMENDATION

The Secretary of Education should direct the Department of Education to rescind the “gainful employment” regulations placed on for-profit higher education institutions.

## RATIONALE

The Higher Education Act stipulates that in order to be eligible for federal student aid, colleges must prepare students for “gainful employment in a recognized occupation.” The U.S. Department of Education aggressively promulgated rules concerning gainful employment during the Obama Administration, and on July 1, 2015, gainful employment regulations primarily affecting for-profit institutions went into effect. The rule could limit opportunities

for non-traditional students in particular, who may choose a for-profit institution because of its flexibility and affordability. The Trump Administration should enable private for-profit and vocational colleges to continue to serve students who have been historically underserved by traditional universities by repealing the gainful employment regulations that took effect on July 1, 2015.

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## ADDITIONAL READING

- Lindsey M. Burke, “Reauthorizing the Higher Education Act—Toward Policies that Increase Access and Lower Costs,” Heritage Foundation *Backgrounder* No. 2941, August 19, 2014.

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# Eliminate the Department of Education's 24 Regional and Field Offices

## RECOMMENDATION

Congress should eliminate the 13 field offices and the 11 regional offices maintained by the U.S. Department of Education.

## RATIONALE

In addition to its Washington, DC, headquarters, the Department of Education maintains 13 field offices and 11 regional offices. The field office staff largely works on issues that fall under the Office for Civil Rights, Federal Student Aid, and the Office of the

Inspector General. Such regional and field offices may have been necessary before the advent of the Internet, but make little sense today. These offices should be eliminated.



# Move Federal Student Aid to the Treasury Department

## RECOMMENDATION

Congress should authorize the transfer of the federal student aid program from the Department of Education to the Department of the Treasury.

## RATIONALE

The federal government should not be the first place to which borrowers turn for student loans. Yet today, more than 90 percent of all student loans originate and are serviced by the U.S. Department of Education, crowding out private lending, raising higher-education costs, and leaving taxpayers on the hook for defaults and generous loan-forgiveness programs. The Department of Education lends to as many students as possible, increasing its intervention in the

student loan market while failing to ensure protection for American taxpayers when borrowers default on those loans.

Additionally, the Department of Education has an uneven track record of effectively collecting student debt. Transferring this responsibility to the Treasury Department should ensure that student debt is treated as such, while considerably downsizing the Department of Education.

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## ADDITIONAL READING

- Mary Clare Reim, "Private Lending: The Way to Reduce Students' College Costs and Protect America's Taxpayers," Heritage Foundation *Backgrounder* No. 3203, April 27, 2017.

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# Transition Impact Aid Funding into Education Savings Accounts

## RECOMMENDATION

Congress should repurpose the \$1.3 billion Impact Aid Program in education savings accounts (ESAs) for federally connected children and shift oversight and management of the repurposed Impact Aid program to the Department of Defense Education Activity (DODEA).

## RATIONALE

Instead of filtering the \$1.3 billion in federal Impact Aid funding to district schools, and then assigning students to those schools based on where their parents are stationed, Impact Aid dollars should be directed to eligible students. All Impact Aid dollars for federally connected children (largely comprised of military-connected children) should go directly into a parent-controlled ESA, which the family could then use to pay for any education-related service, product, or provider that meets the specific needs of the child. Oversight and management of the repurposed Impact Aid Program should be transitioned to the DODEA.

The schooling options for military-connected children can play a role in whether a family accepts an assignment, even factoring into decisions to leave military service altogether. Yet as important as education is to military parents, more than half of all active-duty military families live in states with no school choice options at all. The \$1.3 billion federal Impact Aid Program, which was designed largely with military-connected children in mind, should be repurposed into student-centered ESAs to allow military families to exercise school choice. Since it pertains to the U.S. military, Impact Aid represents one of those few cases where federal involvement in education has a clear constitutional warrant.

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## ADDITIONAL READING

- Lindsey M. Burke and Anne Ryland, "A GI Bill for Children of Military Families: Transforming Impact Aid into Education Savings Accounts," Heritage Foundation *Backgrounder* No. 3180, June 2, 2017.