



Opening Statement

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

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House Committee on Education and Labor Hearing

Examining the Policies and Priorities of the U.S. Department of Education

Wednesday, April 10, 2019

Madam Secretary, I want to begin by expressing the Committee's appreciation for your time today. The House rules require that each Member is allotted a full five minutes for questioning and we are grateful that you've allocated sufficient time to uphold that precedent.

The Department of Education bears the tremendous responsibility of implementing and enforcing federal laws covering roughly 13,000 school districts and more than 50 million public school students. All of these students deserve an equitable, high-quality public education. That's their right, and it's the responsibility of the Department of Education – as well as Congress – in partnering with states and localities, to make it a reality.

Unfortunately, under the President's FY 2020 budget, it would be nearly impossible to meet that challenge. At a time when access to education is synonymous with access to opportunity, the President's budget proposes a 12.5 percent cut to the Department of Education. These cuts are spread across vital programs that serve communities across the country. The budget, for example, weakens Title I-A support for schools in low-income areas, eliminates funding for afterschool programs, and seeks a 40 percent cut to adult education.

The President's proposed cuts to higher education funding are particularly deep. Despite the rising cost of college and increasing burden of student debt, the budget seeks to slash over \$200 billion over 10 years from student loan assistance. These cuts will deny countless students the personal growth and economic mobility that comes with a college degree.

The budget is more than numbers on a spreadsheet. There's a clear message in those numbers and, regrettably, this is the same message the Department has been sending students, parents, and educators over the past two years.

Today's hearing is an opportunity to discuss the Department's actions – and the justification for those actions – under the present leadership.

This hearing is especially important given the Department's lack of transparency. The Committee's ability to fulfill its oversight function relies on a healthy working relationship with the Department. When we ask reasonable questions, we expect responsive and timely answers. But on multiple occasions, across several issues, the Department has refused to answer reasonable questions about its work and failed to provide adequate, fact-based justifications for its actions.

For example...

Starting in September 2017, we repeatedly raised questions about the Department's failure to demonstrate effective oversight regarding the implementation of the *Every Student Succeeds Act*. Specifically, the Department has approved state education plans that violate the law's requirements for schools to measure and address achievement gaps using subgroup performance. We have not yet received a substantive response to address these concerns.

In November 2017, we repeatedly asked the Department to answer questions about its refusal to faithfully implement the Borrowers Defense rule, which has left more than 100,000 defrauded students waiting to restart their lives. We have not received substantive responses to those questions.

In March 2018, we asked the Department to justify its decision to rescind the Obama-era guidance addressing racial disparities in school discipline. Research has consistently shown that Black students, boys, and students with disabilities face harsher discipline for similar offenses as their white peers.

Instead of working with schools to correct these disparities, the Department used the tragic school shooting in Parkland, Florida, as a basis to undermine students' civil rights protections. By linking disparities in school discipline with school shootings, the Department has sent a terrible message that schools are safer when they discriminate against students of color. The Department has failed to adequately justify the rescission of this guidance.

In July 2018, we asked the Department to produce evidence supporting its effort to delay the Equity in the I-D-E-A rule. The rule helps schools address racial disparities in special education.

We have not received a substantive response. In fact, that lack of evidence recently led a U.S. district court to rule that the delay was arbitrary and capricious, and therefore unlawful.

In August 2018, we asked the Department to clarify its position on the use of taxpayer money to arm teachers, which has left a dangerous opening for school districts to use federal education funding to put firearms in classrooms. We have not received a substantive explanation of its position.

Since November 2018, we been asking the Department to justify its reinstatement of the Accrediting Council for Independent Colleges and Schools – a troubled accreditor of for-profit colleges with a history of propping up low-quality schools. The Department reinstated A-C-I-C-S despite *its own analysis* that the accreditor had not met two of the required conditions for reinstatement. Two weeks after the reinstatement, another school accredited by A-C-I-C-S abruptly closed, stranding nearly 20,000 students. We have not received an adequate response to those questions.

In February 2019, we sent multiple inquiries to the Department about the apparently inappropriate effort by the Deputy Secretary to halt or influence an Office of the Inspector General investigation into the reinstatement of A-C-I-C-S. This apparent intervention undermines the Inspector General's critical role as an *independent* watchdog. We have not received a substantive response to that inquiry.

And over the past three months, we have asked the Department about its abandoned attempt to replace the acting Inspector General in the Department with the Department's own acting general counsel, a nearly unprecedented attempt to put a senior Department official in a position to police decisions he was personally involved in making. Once again, we have not received a response to that question.

This is only a partial list of the actions your Department has failed to justify and the questions it has refused to answer. Behind each of these unjustified actions and unanswered questions, there are students, parents, educators,

and taxpayers across the country who are waiting for answers and only can speculate as to the reason behind the actions.

They deserve to know why the Department is not acting in their best interests, faithfully executing the law, or taking seriously the federal government's responsibility to ensure all Americans have access to a quality education, from child care and early learning to college and career.

Madam Secretary, I look forward to this opportunity to discuss the important issues under your Department, which are so vital to our nation's future.

Now, I will yield to the Ranking Member for the purpose of an opening statement.