



SENATE APPROPRIATIONS LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES SUBCOMMITTEE DEPARTMENT OF EDUCATION BUDGET HEARING

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The Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies (LHHS) held a hearing on the U.S. Department of Education (ED) Fiscal Year (FY) 2018 budget proposal. Secretary of Education DeVos delivered testimony and answered questions related to the Department of Education proposal, which was released on May 23.

The budget proposal is based on the FY 2017 continuing resolution funding levels, rather than the final FY 2017 levels appropriated by Congress through the *Omnibus Appropriations Act*. This was a source of frustration, as DeVos continued to categorize actual cuts as level funding, as she did two weeks ago before the House Committee.

Just as the House hearing was highly partisan and politically charged, so was the Senate hearing. Democrats and DeVos clashed about the federal role in protecting students from discrimination, whether federal laws would apply to students who used vouchers to attend private schools and about cuts to federal grant and loan programs. Republicans were considerably friendlier to DeVos, but many expressed their support for programs that were on the chopping block, including the Perkins Career and Technical Education program, Federal Work Study, Trio, and Impact Aid.

DeVos had a much stronger appearance before the Senate Appropriations Subcommittee than her confirmation hearing with the HELP Committee, or even last week's version of the hearing with the House Appropriations Subcommittee. However, in terms of specifics on the Administration's plans on higher education, there were not many more details beyond the budget presenting tough choices, the Department looking forward to working with Congress on the reauthorization of the *Higher Education Act* (HEA), and DeVos agreeing student debt and college costs are an ongoing concern.

On student loans, Sen. James Lankford (R-OK) used a portion of his question time to ask about uncapped Parent PLUS Loans. Lankford said colleges have told his office they are concerned with Parent PLUS Loans, as these loans are only capped by the cost of attendance and colleges do not have the same level of interaction with parents. DeVos agreed Parent PLUS was a concern and said she looked forward to HEA reauthorization.

Subcommittee Chairman Roy Blunt (R-MO) asked about the student loan servicing procurement process and questioned the decision to move to a single servicer. DeVos responded the process was "complicated and confused" when she inherited it and defended the decision. Blunt said he remains unconvinced and looked forward to working with the Department on loan servicing.

HELP Committee Chairman Lamar Alexander (R-TN) said he was working on HEA reauthorization. He returned to one of his favorite themes—simplification of the student aid programs. DeVos said the budget took a step toward simplification and she looked forward to working with Alexander on HEA.

Democrats were critical of all aspects of the budget, including student loans and student aid. The elimination of Public Service Loan Forgiveness (PSLF) and Subsidized Stafford Loans were questioned and criticized by HELP Committee Ranking Member Patty Murray (D-WA), Minority Whip Dick Durbin (D-IL), and others. Senator Tammy Baldwin (D-WI), who also serves on the HELP Committee, was highly critical of the call to eliminate two Campus-Based Aid programs—Perkins Loans and SEOG—while significantly cutting the remaining one—Federal Work Study. Democrats were joined by several of their Republican colleagues in questioning the cuts to Work Study.

MEMBERS PRESENT

Chairman Roy Blunt (R-MO); Ranking Member Patty Murray (D-WA); Full Committee Chairman Thad Cochran (R-MS); Full Committee Ranking Member Patrick Leahy (D-VT); Senators Richard Shelby (R-AL); Senator Lamar Alexander (R-TN); Jerry Moran (R-KS); Shelley Moore Capito (R-WV); James Lankford (R-OK); John Kennedy (R-LA); Marco Rubio (R-FL); Richard Durbin (D-IL); Jack Reed (D-RI); Jeanne Shaheen (D-NH); Brian Schatz (D-HI); Tammy Baldwin (D-WI); Chris Murphy; and Joe Manchin (D-WV).

WITNESSES

- **The Honorable Betsy DeVos**, Secretary of Education

OPENING STATEMENTS

Chairman Blunt opened the hearing by welcoming Secretary DeVos and stating that it is a “difficult budget request to defend.” He noted that just a month ago, Congress passed a bill that increases education spending, thus making it hard to understand how a \$9.2 billion reduction at ED will help vulnerable students. He went so far as to say, “It is likely that the kinds of cuts that are proposed in this budget will not occur,” and said the committee needs to hear from DeVos to understand her priorities. He was particularly surprised by proposed reductions to career and technical education (CTE), TRIO and Federal Work Study, which he said will make it hard for low-income students to get into and succeed in college. He pointed out that outright cuts to programs such as the 21st Century Community Learning Centers will be “all but impossible” to cut in his Committee. He also noted that his Committee has increased funding in charter schools over the last few years, and that he is interested in hearing DeVos’ perspective on choice. Finally, Blunt remarked that he is eager to learn more about the reorganizing of Ed, and noted that state capitals such as St. Louis, MO are often far removed from Washington, DC.

Ranking Member Murray reminded DeVos that she has serious concerns with her “extreme ideological commitment to privatizing our public schools, extensive financial conflicts of interest and lack of understanding of the federal role in protecting the civil rights of students across the country.” She added that there was public outcry that bogged down the Senate’s phone lines during her confirmation and that every Democrat and two Republicans opposed her nomination and that Vice President Pence had to cast a tie-breaking vote for the first time in history on a cabinet nomination. Murray went on to say that DeVos has unfortunately done exactly what Murray feared she would do over the last few

months: not backed away from her unpopular, unsupported agenda; failed to compromise or work with Congress in good faith; failed to address conflicts of interest and ethical issues within ED; refused to answer basic questions Democrats have asked; and finally, proposing and defending a budget that has been decried by both Democrats and Republicans and the American public. Murray said she had many questions to ask DeVos, from why she hired counsel who comes directly from a for-profit institution under multiple investigations to why she rescinded guidance protecting transgendered students after testifying that all students should feel safe in school. Murray also wanted to ask DeVos why ED is eliminating protections for student loan borrowers in addition to more questions about the budget proposal.

Murray went on to note that the *Every Student Succeeds Act* (ESSA) is a bipartisan law to improve K-12 education, and rather than working with Congress on its implementation, she feels that DeVos has been undercutting it through privatization and portability. She noted that DeVos is using the budget to hold funds hostage from states unless they comply with her education agenda, a tactic that Congress has been outraged about for years. Murray was also interested in getting clarity on why ED is zeroing out the 21st Century Community Learning Centers, eliminating the Title IV Part A flexibility block grant for states, freezing the maximum Pell award, eliminating the Supplemental Educational Opportunity Grants award, and cutting Federal Work Study in half.

Appropriations Committee Chairman Cochran delivered brief remarks. He said his state has children ready to learn and teachers who need training and are ready to teach. He added that there are good federal education programs that need to be funded. He said he pleads “guilty” to being a supporter of public education and noted his family ties to education.

Ranking Member Leahy said the budget displays a “fundamental lack of understanding” of the role of the federal government to support its people, including the middle class and “the most vulnerable among us.” He noted that sequestration and budget cuts have hurt education. He summed up the education proposal as “abysmal.” He was highly critical of the Administration’s “school privatization” agenda and invited DeVos to a rural area such as Vermont, where school choice is not an option. He closed by noting that creating opportunities in America cannot come through cutting funding for schools.

WITNESS STATEMENT

Secretary DeVos delivered similar remarks she delivered before the House Subcommittee two weeks ago. She said she looks forward to working together to fund education programs that can best serve all students, and that today’s hearing will focus on the “numbers and mechanics of the budget.” She reiterated the story of a Connecticut boy, Michael, who experienced bullying in a high school she categorized as dangerous. He barely passed his classes and ended up in a low-skilled, low-wage job until a course in community college changed his path. He is now on the way to becoming an emergency school nurse. DeVos recognized the controversy that stirred after she relayed his story, including outcry from the Hartford, CT community where Michael went to school. She quoted an op-ed that he published after her hearing and noted that by telling his story she was not admonishing his school in CT or endorsing his current college but was rather illustrating that for many students in America, school is not working in its current form and students do not have alternative choices. She urged the Committee to keep Michael in mind as they consider her budget proposal, which she said lays out plans that will provide all students the chance for an equal opportunity in education, puts decision-making power in the hands of states, where it belongs, and allows parents to choose the school that best meets their child’s

needs. She said while the budget does cut ED by 13 percent and makes hard decisions on how to spend limited taxpayer dollars, the thought behind it is refocusing the budget to support long-standing federal funding streams, to support innovation and to phase out duplicative, ineffective programs or programs that could be funded by private or philanthropic dollars. DeVos later said the budget fulfills the President Trump's promise to "devolve power from the federal government and place it in the hands of parents and families," and concluded that the power of parents to select the school that meets each child's needs will improve the education system and make it "the envy of the world."

MEMBER QUESTIONS

Chairman Blunt began with a question about year-round Pell grants. He said year-round Pell gives working adults and first generation college students a chance to succeed in college. Blunt added he will be watching closely to make sure ED does not provide extra hoops or other rules and regulations that will make it hard to get the third annual semester of Pell Grants. DeVos responded that she will commit to honoring the intent of Congress in implementation at ED and the year-round awards will be available July 1. Blunt added that the earlier schools know how easy it will be for students to get that extra semester of Pell Grants, the better they will be able to plan for next year's summer semester, a hint to DeVos that ED should be providing some kind of guidance in the near future. Blunt then pivoted to loans, and said he is working with ED to encourage more competition between loan servicers. He asked why ED made the decision to propose only having one student loan servicer for federal student loans, which he said seems like the wrong direction. DeVos replied that the process began before she arrived at ED, and that the process was "complicated and confused" when she inherited it. She said ED will be reexamining the servicing arrangement. She said the method of servicing before, with ED being the "host" to four platforms and additional providers, was too complicated for students. A single servicer could engage a wide variety of contractors to work with, and could have sole accountability, bringing efficiencies and effectiveness to students and ultimately a higher level of competition. Blunt responded that while he is not convinced, it is something that he looks forward to continuing to discuss.

Ranking Member Murray noted that the budget request includes multiple items beyond the scope of ESSA, including a "manipulation" of the Education Innovation and Research Grants to create a new private school voucher program. Murray asked if DeVos will require private schools participating in the voucher program to comply with the Individuals with Disabilities Education Act (IDEA) (to which DeVos replied, "absolutely,") and civil rights laws, including laws about sexuality and gender identity (to DeVos she replied yes). There was then a combative exchange about ED's role in the voucher program, with Murray noting that it is part of a federal proposal paid for by federal tax dollars. DeVos replied, "Let me be clear, schools that receive federal funds must follow federal law, period." Murray went on to criticize a \$578 million cut to Title I. DeVos defended the proposal, noting that it was intended to be fully funded based on the numbers she was working with at the time. Murray pushed back that it is truly a cut because she is basing her numbers on real world numbers and current law. That exchange, like the previous one, was heated. Murray's final question was about unauthorized programs. She noted that Republicans criticized the Obama Administration for proposing funding for programs that were not authorized and asked DeVos why she was following suit with proposals for ideas that have already been rejected by Congress and requesting new authority for a new \$1 billion proposal for portability while cutting funding from ESSA.

Chairman Cochran said that many federal programs are expected to solve problems that are really up to states and localities to figure out, but that he looks forward to work together on teacher recruitment and retention, childhood education and other programs that contribute to educational success.

Senator Durbin welcomed DeVos and said he thinks the country is facing a student loan crisis, with student loan debt higher on average than credit card debt in America, with totals growing every year. He said he can find no relief but additional stresses in the ED budget for students who need to take out loans for higher education. He was particularly critical of the cuts to PSLF and Subsidized Stafford Loans. Durbin returned to his favorite topic, adding that the most heavily subsidized public companies are for-profit colleges and universities. He asserted that only nine percent of higher education students go to for-profit institutions, yet 35 percent of student loan defaults come from those institutions. He called DeVos' policies around for-profit colleges disturbing, including hiring counsel from that industry to delays on the gainful employment rules, and asked what DeVos is going to do about student debt and for-profit colleges. DeVos replied that she agrees student debt is a great concern. She said the budget does not increase student debt burdens, but in fact gives students a well-defined and new way to address their student debt in the long-term by an income-based repayment plan that caps repayment at 12.5 percent and 15 years of payments for undergraduate students. She added that the federal government has not done a good job of showing students their full menu of options, and the emphasis has been on four-year colleges and universities rather than including career and technical schools.

Senator Shelby said in rural areas such as Alabama, the infrastructure to establish and promote charter schools does not exist. However, he noted, there are institutions of higher education uniquely situated to address the needs of students. He added that many of these areas are in need of alternative education settings for students in the K-12 system, and asked if she would support allowing institutions of higher education to establish charter schools in those instances. DeVos recognized the unique needs and circumstances of rural areas and suggested that thinking about schools in terms of bricks and mortar may not be the right approach. She added that exploring collaborations with institutions of higher education, as well as virtual learning for classes that a school may not be able to afford a teacher for, would be another idea to explore. Shelby shifted to technical education, which he said is a great need of his constituents so they can have skills that match the marketplace. He noted that the Administration has stated their support for career and technical education, but was perplexed as to why the budget proposes cuts to CTE programs. He asked whether perceived implications of the cuts were considered when determining the budget. DeVos noted that the budget still maintains nearly \$1 billion and calls out investments in STEM, but more broadly, she said that these efforts have been siloed between Departments and the Department of Labor also has similar programs. She urged the Committee to look more holistically at career and technical education.

Senator Shaheen cited a student who wrote to her about his afterschool program and what a difference it has made to him and his community. She quoted the student, who described his childhood as one of poverty, without a connection to his birth parents and feeling like an outcast. He described the impact the afterschool program had on his life. Shaheen noted that DeVos, in her opening statement, said she seeks to support programs that have meaningful results. Shaheen said that 21st Century Community Learning Centers do provide meaningful results and her budget would take them away. "What would you say" to that student, she asked. DeVos responded that ESSA provides flexibility for situations such as the scenario she described. Shaheen interrupted that a state like New Hampshire doesn't have the flexibility to support afterschool programs if the federal funds are stripped. She then followed up on

Durbin's question about student loan debt. She said her state has the highest rate of student loan debt and asked again she is reducing the opportunities for students to afford higher education through elimination of subsidized student loans. DeVos returned to the question of 21st Century funds, stating that less than half of eligible students attend afterschool programming, they don't attend regularly and there have been no positive results. Shaheen said that is not true in New Hampshire and asked why she would make her young people suffer because some programs in some places don't work as well as they should. She added that it is ED's job to ensure quality. The exchange ended with DeVos again pointing to flexibility in ESSA and Shaheen again noting that without funding, there is no flexibility.

Senator Alexander asked if DeVos will follow the law when approving ESSA state plans or if she will be tempted to push her own policy agenda. She replied that she will be following the letter of the law. He noted that a waiver in the law is only for exceptional conditions and not to be used for the Secretary to push an agenda and asked if she will respect the law in that regard. She again responded in the affirmative. Alexander pivoted to higher education and a Senate report about the red tape that institutions must deal with to comply with ED requirements. He asked if DeVos will prioritize eliminating the dozen proposed eliminations that can only be done by the Secretary, including reporting data and other issues. DeVos assured him that she would. Alexander informed DeVos that he is working on a reauthorization of the Higher Education Act, and asked if she would work with Congress to make federal student aid applications simplified. She again said yes. Alexander also mentioned streamlining student loans and student aid, and asked if she will work with Congress to simplify repayment and reduce the number of loans. DeVos agreed and noted that her budget is a good step toward simplification.

Senator Schatz highlighted DeVos' justification that cuts in the budget could be supported by state, local and private foundation money. He noted that that state and local spending on education has decreased and private foundations cannot fill the void, and asked whether she expects this to be a \$9 billion decrease in education spending. DeVos replied that the approach to the budget was to make tough decisions and respect the taxpayer. He interrupted that she stated that "programs that are cut could be supported through state, local and private sources." She replied that some programs recommended for cuts are duplicative, ineffective or could be supported by private dollars. "Do you include the cut of 40,000 teachers to be part of that category of duplicative, ineffective or could be supported by some other entity?" he asked. DeVos replied that if he is referring to Title II, those funds have been used for a broad range of teacher initiatives and have been thinly spread and in some cases are less than \$10,000 per school, so there is little evidence of effectiveness. He interrupted and asked if she has spoken to principals about those funds. She pushed back that ESSA allows for great flexibility to target resources to effective teacher training and improvement programs. Schatz reiterated Shaheen's assertion that flexibility does not exist without funding, so to say that cuts to 21st Century Community Learning Centers, Title II and CTE will have new flexibility while cutting them is false, and that localities don't want this "flexibility," they want resources. DeVos replied that she has actually heard from a lot of state and local leaders that they do want flexibility.

Senator Lankford asked how the \$1 billion portability proposal for Title I funds is different than Race to the Top (the Obama-era ED initiative that Republicans were highly critical of because it attached strings to federal funding for states). She replied that it differs because it is voluntary and only states that want to participate will do so. She added that there are no additional requirements for that pot of money. Lankford then pivoted to the Parent PLUS Loan program, noting that there are no caps on the amount

they can take out, and it is becoming a bigger and bigger issue. DeVos said the issue plays into how students are informed about their options for higher education and its alternatives, and said it is an area of concern that should be considered during a HEA reauthorization. Lankford added that his universities work exceptionally hard to honor every student, but when officials come to campuses to do a Title IX report, they are instructed to find “something.” He said when there is a problem, “let’s work together to fix it,” but not create problems where there are none.

Senator Merkley asked DeVos if she has stated that if a private school gets any federal dollars they will not be allowed to discriminate on the basis of gender identity or sexuality, and asked her to clarify since the intersection of federal law and private schools can be “murky.” She replied that where the law is unsettled, ED will not be making decrees. He asked her to clarify on the area of discrimination and she reiterated her previous phrase. She had the same response when Merkley asked her what her interpretation of existing law is as it pertains to private schools and religious discrimination. Merkley noted that she refused to answer the question. Merkley then asked about student loans, arguing the proposal increases the cost burden on students. DeVos disputed that assertion and countered that income-based repayment with a 15 year cap makes loan repayment less costly for students. Merkley clarified that for graduate students the cap is 30 years. He asked if it would be better for students to reduce their debt by doing Work Study, which was cut in half under the budget proposal. She replied that the proposal reduces Work Study, doesn’t eliminate it. She said she thinks it is great for students to work in college but it does not need to be on campus. She added that it does not apply to graduate students (grad students are eligible for Work Study). Merkley noted that an additional stress on student debt is that the Pell Grant maximum award does not keep pace with inflation, so students can buy less with their grant each year and asked if that makes it harder for families. She replied that having year-round options will help students get through school more quickly, and added that Pell is important and has received priority in ED’s budget.

Senator Capito thanked DeVos for her year-round Pell proposal but expressed frustration about a rejected application for Upward Bound at West Virginia State University, an HBCU, because of a \$104 error on a worksheet. DeVos replied that she was also frustrated by the errors in the grant competition before her time at ED, and said she is now revisiting rejected applications because Congress has provided an additional appropriation to support that effort. She began to say she could not reopen a closed application, and Capito interrupted that she rejects that assertion and asked her again to look at it. Capito then voiced her concern for cuts to 21st Century Community Learning Centers, which she said are valuable for myriad reasons in West Virginia. She asked what the alternative is for kids in her state, where they are \$500 million “in the hole.” DeVos reiterated that the decisions in the budget proposal were based in large part on results, and the program did not show favorable results and was outside the core mission of ED.

Senator Manchin welcomed some West Virginians from a 21st Century Community Learning site. He pivoted to school choice and said the rural parts of his state do not have the “luxury” of choice. He asked how his state and others can “make up the difference” with money that they will not be seeking for vouchers. DeVos noted that the ED funding stream for rural schools is being maintained. She said the state is best positioned to make decisions about its citizens, and said she looks forward to its ESSA plan. Manchin then turned to Title IV Part A of ESSA. He cited the opioid crisis as a particular strain on schools that Title IV Part A could alleviate, but ED proposes elimination of the program. DeVos agreed that opioid addiction is a concerning one, and went back to the ESSA state plan. “Well, they don’t have

the money, that's the problem," Manchin replied. DeVos added that the Promise Neighborhood program can also help. Manchin added as his time ran out, that Medicaid in schools is often a first line of defense and she must consider it.

Senator Kennedy said that his research shows a quadrupling of funding for ED since 1989. He said part of DeVos' job is to manage taxpayer money. He asked if DeVos found waste, to which she responded that yes, they find waste regularly and she expects more will come out in the following months. Kennedy then asked if DeVos finds it odd that success in education is measured based on how much money is being spent, rather than student outcomes. DeVos agreed that is strange, and she added that the Obama Administration wasted \$7 billion on failing schools with no results (referring to the School Improvement Grants program). Kennedy recalled that he saw a statistic that shows Slovakia spends half the money that the United States spends on education and yet they are ranked the same. DeVos agreed. Kennedy said his theory is that we have the best colleges in the world but "our problem is elementary and secondary education." He said Americans can do the most amazing things, but "we can't seem to teach our kids how to read and write and do basic math when we have 18 years to do it, and I don't understand that." DeVos agreed that is true. Kennedy added, "I can go to my overpriced grocery on Capitol Hill and chose from six kinds of mayonnaise, how come I can't do that for my kids," and said he would support vouchers or any proposal that could yield better results. He punctuated his line of questioning by asking if she would support a bill that requires any lawmaker who writes federal education law to teach at least once a year. DeVos responded it is an "interesting idea."

Senator Baldwin asked DeVos to speak to the cut to the Perkins Career and Technical Education program, as well as eliminations of the 21st Century Community Learning Centers and Supplemental Educational Opportunity Grants (SEOG), all of which she noted can be used to support STEM education. She noted that the proposal includes an unauthorized \$20 million grant program for STEM, and asked how that is sufficient to support all the cuts in the budget which the Senator noted amounts to approximately \$1.5 billion in formula funding for every state. DeVos said that reauthorizing HEA, including CTE needs to be part of the conversation. She said the grant program is meant to foster creativity and innovation. Baldwin then asked about college affordability, which she said is being harmed significantly by the elimination or significant cuts to the Campus-Based Aid program, which allow campuses to target and fine-tune financial aid to students they know are in need. She added the proposal also cuts billions in federal loans and breaks a promise by eliminating student loan forgiveness. DeVos said Perkins Loans were not reauthorized, argued SEOG is duplicative Pell, and pointed again to year-round Pell

Senator Rubio noted that he went to public schools, would not have been able to go to college without Pell grants, and had significant student loan debt. He noted that one of the great things about our country is that we teach everybody, and not all nations do that. He added that children bring everything with them into the classroom, including their experiences outside of school, many of which need to be addressed, which costs money.. He said the best schools in Miami are public, but many people pay to send their kids to private schools because they like that environment. Rubio asked how the budget accounts for issues for which students struggle greatly, such as homelessness, lack of access to internet, hunger and more "so that our education system lives up to the country's motto that all people are created equal." DeVos replied that the budget seeks to fund and give the greatest amount of flexibility to states and localities because they are best equipped to work with their children.

Senator Murphy said that with all due respect to his colleague from Louisiana (Kennedy), education is not mayonnaise, and “the day we compare the two is the day we have given up on our kids.” He said one of his concerns about the ED budget is that DeVos’ family was invested in K-12 Inc., a for-profit charter school company that was trying to undermine public education. He asked what kinds of protections will be included in a proposed voucher program to ensure federal dollars do not end up in the pockets of CEOs. DeVos said in her view the question is not the tax status of the school, but the achievement of students. Murphy reiterated his question. DeVos said that if parents make the choice to send their students to for-profit schools and students show results, that is a better focal point. Murphy asserted this reply shows DeVos is not concerned with taxpayer dollars. Murphy said he does not fundamentally believe that the Administration cares about students because the proposal has massive cuts to programs that help students such as the ones from East Hartford, where Michael (from her testimony) is from. Murphy listed afterschool programs, career and technical education and Title II. He then pivoted to the poor outcomes from charter schools in Detroit and all over Michigan and said he believes these school choice options are about a massive transfer of funding from public to private hands, padding the pockets of CEOs.

Senator Moran noted that year-round Pell cannot be awarded until ED issues guidance, and summer courses have already begun on college campuses. He asked when guidance will come from ED and if it will be in time for this summer’s classes. DeVos responded that ED is on track to distribute the funding on July 1, “so, for the summer.” Moran reminded her that courses have already begun for the summer semester but thanked him for the update. Moran then asked about DeVos’ commitment to fully funding IDEA and asked if there is a way to prioritize budget decisions on IDEA. DeVos said that if you consider cuts to other areas, there is a real commitment to funding IDEA. In regard to Title I, Moran noted that the additional \$1 billion is for portability. He recalled her commitment that ED would not support mandating options for states and localities, so he asked for a reassurance that is still true. DeVos agreed that the proposal level-funds Title I, and the additional \$1 billion is an opt-in program so that no state that foregoes the option will see a reduction in funding. Finally, Moran asked about Impact Aid, which he said is a priority for him. DeVos said the proposal does continue to fund the program except in places where there are no federally connected children because the legislation needs to be updated.

Senator Reed asked if there is a requirement that schools must take all children with vouchers who apply. DeVos replied, “if schools are taking federal funds, they need to follow federal law.” Reed asked what that means, and if it means a private, for-profit school would have to accept any student with a voucher, and if that student has a disability, the school would need to follow IDEA laws. DeVos reiterated her prior statement. Reed clarified whether a voucher is considered federal funds. DeVos replied that currently there are no vouchers, so it is hypothetical, and again repeated her previous statement. Reed again clarified that yes, DeVos is saying that any private, for-profit school that accepts a voucher then must follow all federal laws. DeVos did not dispute his assertion, nor did she confirm. Reed then asked how the ED proposal makes colleges more affordable. DeVos said that it is up to Congress to raise the Pell maximum award, and there are still resources in a Pell surplus.

Chairman Blunt clarified in a second-round of questioning that year-round Pell provides more aid annually, raising the annual cap to roughly \$8,800. On the issue of Impact Aid, Blunt pushed back on DeVos’ assertion that cuts involve areas where no children area involved and explained the federal government’s commitment to supporting students in areas where there are no taxpayers because of the

federal government's actions. He cited national forests as an example. Finally, Blunt clarified that the \$1 billion in Title I portability was solely for public schools, and she agreed.

Ranking Member Murray asked if DeVos knows which crimes on postsecondary campuses showed an increase since 2001. DeVos said she would assume it was sexual assault and Murray responded "forcible sex crimes." She said that at least one in five women are sexually assaulted on college campuses, and cited her concerns for cutting the Office of Civil Rights (OCR). DeVos replied that the intention is to fully fund OCR. Again, Murray and DeVos disputed the way they classify cuts and level funding. Murray asked if DeVos plans to respond to inquiries from Democrats or only Republicans. DeVos replied that ED has been responded to inquiries and noted that she has gotten 23 letters from Murray since she assumed her position and has responded to over half of them. Murray replied that she has not gotten any responses. DeVos blamed "snail mail" and suggested Murray give her a call. Murray explained the value of having answers in writing. Then she turned to ESSA and asked for a commitment for a full briefing from ED on the implementation of ESSA. DeVos agreed.

Senator Murphy talked about accountability in ESSA state plans and asked for a commitment that DeVos will not approve a state plan unless it clearly identifies schools or subgroups that are consistently underperforming. DeVos replied that she is interested in ensuring that the plans comply with ESSA and that will be her measure. She added that she is hopeful that states will be creative and take a new look at some of these problems.

Sen. Lankford returned to the Obama Administration's effort with Race to the Top and reiterated his understanding that the \$1 billion in Title I portability is optional. He noted that he went to school in an innovative district and went to school across town because his district supported it. He noted that his parents had a choice of four schools to go to, so he stated that he is a beneficiary of school choice. Lankford asked if ED will continue to publicly display schools that have gotten a religious exemption, which he finds to be publicly humiliating. DeVos said she will look into it.

Chairman Blunt closed the hearing by thanking DeVos for her testimony.

CONCLUSION

Both bodies of Congress have now heard testimony from DeVos on the Administration's budget, and they are now expected to embark on the drafting of their respective education appropriations bills and ultimately come up with a plan to fund the government before September 30, 2017.

To view a webcast of the hearing go [here](#).