Department of Education

The Department of Education should devolve education dollars and decision making to the states, significantly reducing K–12 programs and limiting spending to a single, flexible funding stream on the basis of low-income student population, which states could use for any education purpose under state law. In higher education lending, the department should eliminate the Parent Loan for Undergraduate Students (PLUS) loan program and use a non-subsidizing interest rate for remaining federal loan programs. These changes take a first, significant step to restore state and local control of education and address the root cause of the college cost problem: runaway federal subsidies.

PRIORITIES FOR THE PRESIDENT

Rescind Guidance Redefining Sex to Mean Gender Identity for Purposes of Title IX Compliance. As part of a government-wide clarification, the President should affirm that, for the purposes of federal law, "sex" refers to biological sex.

The President should direct the Secretary of Education to update and reverse guidance jointly issued by the Office of Civil Rights at the Department of Education and the Department of Justice, which reinterpreted "sex" to include gender identity under Title IX of the Educational Amendments of 1972 (20 U.S.C. 1681–1688).

The President should also direct the Office of Civil Rights to cease any enforcement of Title IX's interpretation of sex to mean gender identity, or any other similar statute. Title IX prohibits educational programs receiving federal funds from discriminating on the basis of sex. The recently issued guidance, however, interprets this prohibition to mean that discrimination on the basis of "gender identity" violates Title IX. The guidance, as a whole, runs contrary to fundamental biological reality, threatens the safety and privacy of women and girls, impinges on the religious liberty of students, is contrary to the plain meaning of our nation's civil rights laws, is unworkable, and overrides principles of federalism in education.

Eliminate the PLUS Loan Program. The President's Budget for fiscal year (FY) 2018 should request that Congress eliminate the PLUS loan program, including both the Parent PLUS and Grad PLUS components. During the 2011–2012 academic year, taxpayers subsidized nearly $21 billion in federal PLUS loans. The availability of PLUS loans has resulted in students and families incurring substantial debt, while failing to ease the cost of college over time. Eliminating the PLUS loan program would help restore private lending, creating additional loan options for borrowers while removing the burden of defaults from taxpayers.

> Lindsey M. Burke, "Reauthorizing the Higher Education Act—Toward Policies that Increase Access and Reduce Costs," Heritage Foundation *Backgrounder* No. 2941, August 19, 2014,
> http://www.heritage.org/research/reports/2014/08/reauthorizing-the-higher-education-acttoward-policies-that-increase-access-and-lower-costs.

Redirect Additional Federal Funding to an Expanded DC Opportunity Scholarship Program. The President's Budget for FY 2018 should request that Congress redirect the additional $20 million authorized for DC Public Schools—at the enactment of the DC Opportunity Scholarship (DC OSP)—to additional Opportunity Scholarships. This would enable more children to attend safe and effective private schools of choice in Washington, DC, an alternative to the public schools that has proven more successful in increasing educational attainment. A congressionally mandated evaluation of the DC OSP found that students who receive a scholarship have graduation rates 21 percentage points higher than children in the control group. Expanding the number of available scholarships would create life-changing opportunities for poor children living in the nation's capital.

> Matthew Ladner, "Power to the People: Putting D.C. Parents in Charge of K-12 Education," Heritage Foundation *Backgrounder* No. 3092, February 9, 2016,
> http://www.heritage.org/research/reports/2016/02/power-to-the-people-putting-dc-parents-in-charge-of-k12-education.

Expand Access to Education Savings Accounts to Students Attending Bureau of Indian Education (BIE) Schools. The President's budget for FY 2018 should request that Congress redirect funding for Bureau of Indian Education schools into education savings accounts (ESAs) for the students who attend them. The President should direct the Secretary to lead coordination between the Department of Interior, the Department of Education, and the Department of Agriculture, which contribute to the combination of federal funding that finances BIE schools, to allow eligible students to receive an ESA equal to 90 percent of their per pupil federal funding that would have been spent on BIE-funded and BIE-operated schools. Such an option would provide a lifeline to the 48,000 children currently trapped in BIE schools, which have been deemed the "worst schools in America."

> Lindsey M. Burke, "Education Savings Accounts for Children Attending Bureau of Indian Education Schools: A Promising Step Forward," Heritage Foundation *Issue Brief* No. 4537, April 1, 2016,
> http://www.heritage.org/research/reports/2016/04/education-savings-accounts-for-children-attending-bureau-of-indian-education-schools-a-promising-step-forward.

PRIORITIES FOR THE SECRETARY

End Funding for Common Core. The Secretary should clarify in a letter to all state education secretaries that access to federal K–12 programs will not be conditioned on states having uniform standards and assessments. In addition, the Secretary should clarify that no new federal funds are to be expended on Common Core or similar national standards and tests, and should assure state secretaries that an exit from Common Core does not jeopardize existing federal funding or invite other repercussions. This would further enable states to reclaim their education decision-making authority, and would foster diversity in the standards and assessment market, while driving decisions about state and school-level academic content standards closer to affected students.

> Lindsey M. Burke, Neal McCluskey, Theodor Rebarber, Stanley Kurtz, William A. Estrada, and Williamson M. Evers, "Common Core and the Centralization of American Education," Heritage Foundation *Special Report* No. 169, March 24, 2016,
> http://www.heritage.org/research/reports/2016/03/common-core-and-the-centralization-of-american-education.

> Lindsey M. Burke and Jennifer A. Marshall, "Why National Standards Won't Fix American Education: Misalignment of Power and Incentives," Heritage Foundation *Backgrounder* No. 2413, May 21, 2010,
> http://www.heritage.org/research/reports/2010/05/why-national-standards-won-t-fix-american-education-misalignment-of-power-and-incentives.

Allow States to Make Title I Funding for Disadvantaged Students Portable. The Secretary should prepare for submission to the President for the FY 2018 Budget a comprehensive plan to replace the existing Title I program with a straightforward per-pupil formula giving states the flexibility to make these dollars "portable." This would simplify the program's current, needlessly complex formula, and, if a state chooses, would allow its $15 billion in funding to follow children to the schools or education options of their parents' choice. Such a reform would ensure these tax dollars achieve the objective of aiding poor children by allowing them to choose safe and effective educational options, while improving efficiency in the use of resources directed toward their education.

> Lindsey M. Burke, "From Piecemeal to Portable: Transforming Title I into a Student-Centered Support System," Heritage Foundation *Backgrounder* No. 3066, September 28, 2015,
> http://www.heritage.org/research/reports/2015/09/from-piecemeal-to-portable-transforming-title-i-into-a-student-centered-support-system.

Eliminate "Gainful Employment" Regulations on Private For-Profit Universities. The Secretary should direct the Department of Education to begin the administrative rulemaking process to undo the Obama Administration's expanded "gainful employment" regulations.

New regulations promulgated on July 1, 2015, state that for-profit colleges and vocational programs are considered to fulfill the "gainful employment" language in the Higher Education Act (HEA), which stipulates that "a university must provide a program that prepares students for 'gainful employment'" in a given field—as long as a graduate's loan repayments do not exceed 20 percent of the student's discretionary income or 8 percent of total earnings. Failure to meet the new guidelines can result in an institution's loss of access to student loans and grants and other federal aid. This regulation is expected to impact 1,400 programs, an estimated 99 percent of which are at for-profit institutions, adversely affecting programs and schools meeting the needs of many non-traditional students. Ending this regulation will help to ensure there is a robust market of higher education options for all students.

> Lindsey M. Burke, "Reauthorizing the Higher Education Act—Toward Policies that Increase Access and Reduce Costs," Heritage Foundation *Backgrounder* No. 2941, August 19, 2014,
> http://www.heritage.org/research/reports/2014/08/reauthorizing-the-higher-education-acttoward-policies-that-increase-access-and-lower-costs.