

January 4, 2021

Honorable Mitch McConnell Majority Leader United States Senate Washington, DC 20510

Dear Mr. Leader:

As I reflect on the past four years and the conversations we have had together, I wish to leave you with some encouragement and closing thoughts. The stakes for America's students have never been higher than they are today. The decisions you make in the coming days, months, and years will determine a lot about the opportunities our children will get as they pursue their American Dream.

The COVID-19 pandemic has revealed much about education in America. Sadly, too much of it is not encouraging. The education "system" is not terribly resilient or nimble. It does not handle change well. It is prone to saying "no" instead of finding the will to get to "yes." But most importantly, it is built around those who run it, not those whom it serves: America's students.

Education must be re-oriented around students and their families.

Education is about individuals – that is, helping every student develop his or her abilities and preparing every student to pursue his or her passion. The education of each student is about their future, and it is ultimately about our country's future. That is why we commit to an equal *opportunity* to a high-quality education for every student in this nation. But in all too many cases, today's education system falls short of meeting that commitment. Too many elevate the desires and demands of "the system" itself over the needs of students.

Now is the time to put students first.

The Congress does much to fund school buildings, school programs, and school-related activities. The discussion is about what *schools* need. The lobbyists and special interest groups all represent adults with jobs in our school system – from superintendents to teachers to ancillary staff – and they all focus on strengthening and funding the "system." The entire apparatus is designed to support a "system" that provides schools *to* students.

Let me urge you instead to provide *for* students the opportunity to pursue meaningful, challenging, and rewarding learning opportunities. Let me encourage you to fund education — that is, learning – not a Department of Education. Let me urge you to fund <u>students</u>, not school <u>buildings</u>.

Before you dismiss that notion, let me remind you that direct funding has precedent. Medicare and Medicaid allow individuals to seek medical treatment at the doctor or hospital that is right for them. You provide SNAP debit cards to individuals to buy the right food for them at a location that works for them – as opposed to creating and running grocery stores. You expanded health care options for our veterans to seek care outside of the VA system when it does not work for them.

You also treat other major education funding streams this way. You offer Pell grants and student loans for students to attend any school they choose. Veterans use the GI Bill to attend any school of their choice. You provide block grants to support access to pre-school at any provider a family chooses.

Given this precedent of choice and empowerment, it is impossible to understand how it is acceptable for Federal taxpayer dollars to support a student attending the University of Notre Dame, but not for a student who wants to attend Notre Dame Prep High School. If "equity" requires all students to have access to any university of their choice, does "equity" not demand the same for their K-12 years?

It is long overdue to acknowledge the failures of the underperforming K-12 system, which disproportionately fails students of color and from lower-income households, as well as limits their access to higher education.

Today, more parents are more upset, distraught, and concerned about their children's education than ever before. Many students – particularly our most vulnerable students – are suffering immeasurable harm as a result of schools failing to reopen and failing to educate. The data speak for themselves about levels of learning loss from which many students will never be able to recover. Quite frankly, the "system" has never figured out how to remediate students at scale, and I'm concerned it is incapable of achieving any kind of academic recovery now.

Funding focused on students instead of systems would be a seismic change, but it is clear seismic change is required to achieve better outcomes. This isn't a partisan notion. President Barack Obama called for a "Sputnik moment" in education. He was right. We cannot abide being so far from first when it comes to education.

Many suggest more taxpayer money will solve the problem, but the facts simply do not support that assertion. Federal spending on education reliably grows every year, and real total spending on K-12 education has nearly tripled on a per pupil basis since 1960. Yet, the Nation's Report Card and every other reliable measure of student performance show that the increased burden on taxpayers has not translated to improved student achievement. In fact, our lowest performing students are falling further behind than ever before. This was true before the pandemic and is exacerbated today.

You can help turn the tide. Here's the path I encourage:

- Continue to build upon the bipartisan consensus around the Every Student Succeeds Act (ESSA) that firmly placed local communities in charge of education. Empower teachers and local leaders at the school level. Resist the calls to federalize anything. Embrace the flexibility you provided under the CARES Act through the Governor's Emergency Education Relief Fund to establish state block grants, as I proposed in our FY 2021 budget.
- 2. Pass Education Freedom Scholarships. Encourage voluntary donations to K-12 education and empower students and families to choose the educational setting that works best for them regardless of where they live, who they know, how much they make, and how they learn.
- 3. Hold the line on accountability and transparency. Do not allow the Department to cancel assessments. Ensure families and the American taxpayer know how students are performing academically and how money is being allocated. Hold schools accountable when they are not helping students learn and grow.

My commitment to empowering families and expanding education freedom is unwavering. It remains my life's greatest passion. Nothing will help transform education more than devolving power and directing resources to families so they can seek and choose the best education for their children. But other issues also deserve your attention as well.

This year, we finalized a historic Final Rule under Title IX of the *Education Amendments of 1972*. This rule strengthens protections for survivors of sexual misconduct and restores due process to ensure that all students can pursue an education free from sexual discrimination. The regulation, which carries the force of law, holds schools accountable for responding equitably and promptly to sexual misconduct, and ensures a more fair and reliable adjudication process. The regulation provides a consistent, legally sound framework on which survivors, the accused, and schools can rely; protects K-12 students by requiring elementary and secondary schools to promptly respond to a notice of sexual harassment; and restores fairness on campuses by upholding all students' rights.

You should reject any efforts to undercut this important rule for survivors. A wide array of voices, from liberal academics to civil libertarians to multiple U.S. appellate courts, have all opined on the imperative for due process not just for accused parties, but for survivors as well. Do not lose sight of the fact that the non-regulatory guidance around Title IX led to hundreds of legal challenges that went against the alleged victims of sexual assault because of the lack of fair due process. If we are going to sustainably ensure that no one suffers discrimination and sexual assault, we need to protect the balanced Title IX final rule.

On the career and technical education front, the Trump Administration has continued to highlight, promote, and support multiple pathways to career success and lifelong learning. I was pleased to work with you to pass the *Strengthening Career and Technical Education Act for the 21st Century Act* (Perkins V), and we have worked closely with states as they have implemented the law.

You should continue to open and encourage multiple pathways for students after high school, including apprenticeships and short-term credentials, and reform Federal Work Study to support employer-based earn-and-learn opportunities.

We also revolutionized how Federal Student Aid (FSA) does business. When I took office, the *Free Application for Federal Student Aid* (FAFSA®) form would barely load on a mobile phone. Today, customers enjoy a world-class experience through a mobile app laden with new and informative features. Where there was once a confusing and frustrating maze of websites, StudentAid.gov is now the single online home for information. Where there were once dozens of phone numbers, now there is a single 800 number. The customer service bot, "Aidan," is now available 24/7 to answer questions and point borrowers in the right direction. Understanding and repaying student loans is becoming easier than ever with our NextGen FSA initiatives.

Achieving FSA's mission requires world-class customer service, and it requires bold thinking. We have encouraged Congress to consider establishing FSA as a standalone government corporation, entirely separate from the Department and run by a professional, apolitical Board of Governors. This move would better position the agency to deliver world-class services to students and their families, and to manage what has become the nation's largest consumer lender, with nearly \$1.6 trillion in outstanding loans. I urge you to look closely at that proposal.

Importantly, I hope you also reject misguided calls to make college "free" and require the twothirds of Americans who didn't take on student debt or who responsibly paid off their student loans to pay for the loans of those who have not done the same. Across-the-board forgiveness of college debts is not only unfair to most Americans, it is also the most regressive of policy proposals – rewarding the wealthiest sector of our labor force at the expense of the poorest. My recent <u>remarks</u> at the annual FSA conference provide more on that.

In the spirit of transparency and accountability, we also overhauled and greatly improved the College Scorecard to help students find customized, accessible, and relevant data at the program level of institutions – including average cost, potential debt, and average earnings – to help students anticipate their financial outcomes from college attendance. The College Scorecard includes debt and earnings information for two-year, four-year, certificate, and some graduate programs as well as information on graduation rates and apprenticeships. We have just updated the tool with even more data. The government providing transparency into pricing and outcomes, not picking winners and losers, is the best way to improve the higher education marketplace and deliver better value and results for students.

We believe in investing in each and every student and helping them expand their knowledge and skills, so the Department invited a new cohort of 67 schools to participate in our Second Chance Pell experiment in April, providing need-based Federal Pell Grants to individuals incarcerated in Federal and state prisons. More than 4,000 credentials – including postsecondary certificates, associate degrees, and bachelor's degrees – have been awarded to Second Chance Pell students in three years. I was so pleased to see Congress finally right a wrong in the 1994 Crime Bill by permanently restoring Pell eligibility for incarcerated students.

In each of these areas, and in many more I did not mention here, there are significant opportunities to do what is best for students.

There is no better time to unleash a new era of innovation in education. Every student must be able to pursue an education that aligns with his or her talents, interests, and values. In the aftermath of the pandemic, we need to facilitate new approaches and models that can quickly diagnose individual learning losses and address them effectively. We must empower states, communities, and families to transform learning and empower students to access more individualized and responsive learning opportunities. If you and your colleagues embrace the expansion of education freedom for families and educators, this nation can meet any challenge and seize any opportunity.

On a personal level, allow me to express my sincere gratitude for your partnership during these past four years. From expanding 529 accounts to passing Perkins V, the FUTURE Act, the CARES Act, and the most recent COVID-19 relief and government funding bill, you showed what is possible when we put students first.

While my time as Secretary is finite, my time as an advocate for children and students knows no limits. For more than three decades, I've been involved in education, as a volunteer, an advocate for children, and a voice for parents. I will continue to work with you in doing what's right for America's students.

Because for me, it's simple: I trust parents and teachers, and I believe in students.

With gratitude,

/s/

Betsy