11. Department of Education

Congress should

- abolish the Department of Education and
- return education to the state, local, or family level, as provided by the Constitution.

Education is a perfect example of one major theme of this *Handbook:* that even many vitally important things in American society are not the province of the federal government. No one questions the importance of education in a complex modern society. Education is the process by which we impart moral values to our children, make them part of our particular culture, develop their ability to think, and give them specific kinds of information that they will need to be productive adults, good citizens, and civilized human beings.

Today there is great concern about the quality of American education. Every month brings another study on how poorly American students fare in international competition. The Third International Mathematics and Science Study, released in November 1996, found that U.S. eighth-graders scored below the average of students from 40 nations on math and just above average on science. U.S. students scored lower than students from Singapore, Korea, Japan, the Czech Republic, and Hungary.

But neither the importance of education nor its poor quality means that education is an important function of the federal government. In fact, education is not mentioned in the Constitution of the United States, and for good reason. The Founders wanted most aspects of life managed by those who were closest to them, either by state or local government or by families, businesses, and other elements of civil society. Certainly they saw no role for the federal government in education.

Once upon a time, not so very many years ago, Congress understood that. The *History of the Formation of the Union under the Constitution,*

published by the United States Constitution Sesquicentennial Commission, under the direction of the president, the vice president, and the Speaker of the House in 1943, contained this exchange in a section titled ''Questions and Answers Pertaining to the Constitution'':

> Q. Where, in the Constitution, is there mention of education?
> A. There is none; education is a matter reserved for the states.

The greatest service the 106th Congress could perform for American education would be to rekindle the original understanding of the delegated, enumerated, and thus limited powers of the federal government and to return control and financing of education to states, localities, and families.

This argument is not based simply on a commitment to the original Constitution, as important as that is. It also reflects an understanding of *why* the Founders were right to reserve most subjects to state, local, or private endeavor. The Founders feared the concentration of power. They believed that the best way to protect individual freedom and civil society was to limit and divide power. Thus it was much better to have decisions made independently by 13—or 50—states, each able to innovate and to observe and copy successful innovations in other states, than to have one decision made for the entire country. As the country gets bigger and more complex, and especially as government amasses more power, the advantages of decentralization and divided power become even greater.

The science of economics was in its infancy when the Constitution was written, and modern management theory had not even been imagined. But two centuries later we can make even stronger arguments against a federal role in education. Not only is freedom safer when power is divided, we now recognize that progress is far more likely under decentralized and competitive systems than under central direction.

After state test results showed that the vast majority of California public school students could not read, write, or compute at levels considered proficient, Superintendent of Public Instruction Delaine Eastin appointed two task forces in 1995 to investigate reading and math instruction. The task forces found that for 10 years there had been a wholesale abandonment of the basics—such as phonics and arithmetic drills—in California classrooms. It was bad enough that California taxpayers spent more than $200 billion to impose such disastrous ''reforms'' on more than 4 million students. But imagine how much worse the problem would have been if the U.S. Department of Education had been able to impose such a scheme on the whole country.

Origins of the Department

Defenders of the federal role in education insist that the Department of Education has no power to impose anything on the nation's schools. It can only study, advise, inspire, and offer supplemental funding. Of course, our folk wisdom tells us that he who pays the piper calls the tune—as federal money increases, federal control increases.

When the department was created in 1979, many critics warned that a secretary of education would turn into a national minister of education. Rep. John Erlenborn of Illinois, for instance, wrote, ''There would be interference in textbook choices, curricula, staffing, salaries, the make-up of student bodies, building designs, and all other irritants that the government has invented to harass the population. These decisions which are now made in the local school or school district will slowly but surely be transferred to Washington.'' Dissenting from the committee report that recommended establishing the department, Erlenborn and seven other Republicans wrote, ''The Department of Education will end up being the Nation's super school board. That is something we can all do without.''

Such concerns were not limited to Republicans. Rep. Patricia Schroeder, a Colorado Democrat, predicted, ''No matter what anyone says, the Department of Education will not just write checks to local school boards. They will meddle in everything. I do not want that.'' David W. Breneman and Noel Epstein wrote in the *Washington Post*, ''Establishing a cabinet-level department is a back-door way of creating a national education policy.'' And Richard W. Lyman, president of Stanford University, testified before Congress that ''the two-hundred-year-old absence of a Department of Education is not the result of simple failure during all that time. On the contrary, it derives from the conviction that we do not want the kinds of educational systems that such arrangements produce.''

A *Washington Post* editorial raised the fear that ''by sheer bureaucratic momentum, [a department of education] would inevitably erode local and state control over public schools.'' Another *Post* editorial reminded us, ''Education remains a primary function of the states and localities, which is surely one reason this country has not had a national ministry of education as part of its political tradition. We think it is a tradition worth holding on to.''

The Department Today

Twenty years after its founding, what has the Department of Education achieved? Although its advocates promised that a cabinet-level department

would be leaner and less expensive than the previous federal education programs scattered through many agencies, the department's budget has continually increased, from $14.5 billion to $34.7 billion. In 1996 John Berthoud of the Alexis de Tocqueville Foundation pointed out that

> in the decade prior to the establishment of the Department of Education, [federal] spending on education rose at only about half the rate of the rest of the non-defense discretionary budget (35% versus 65.4%). In the period since the establishment of the department, *education* spending has risen at a rate over three times as fast as non-defense discretionary programs (29.5% versus 7.9%).

It's no wonder that the National Education Association and other professional educationists wanted to see a cabinet department for education.

It's much less clear that the department has had any positive effect on education. After a blue-ribbon commission reported in 1983 that ''a rising tide of mediocrity'' threatened American education, more than 250 state task forces swung into action to improve the schools. Many states adopted ''comprehensive'' reform packages. Almost all involved higher taxes. Indeed, there were many reforms in school *inputs:* stricter attendance rules, minimum grades required for permission to participate in extracurricular activities, longer school days, more competence testing, more homework, higher teacher pay, a longer school year—and of course more money. Yet test scores remain far lower than they were in 1963, when the long slide began.

A survey released in the fall of 1995 found that U.S. students are woefully ignorant of American history. Results of the 1994 National Assessment of Educational Progress showed that 57 percent of high school seniors scored below the ''basic'' level of history achievement. To achieve the ''basic'' level, students had to answer only 42 percent of the questions correctly. Bad as the overall results were, some of the findings raise questions about just what our teachers are trying to teach. For instance, only 39 percent of fourth-graders knew who said, ''This government cannot endure half slave and half free'' (Abraham Lincoln), only 41 percent knew that the Pilgrims and Puritans came to America for religious freedom, but 69 percent knew that Susan B. Anthony was famous for helping women win the right to vote. Only 47 percent of high school seniors knew that containing communism was the most important goal of U.S. foreign policy between 1945 and 1990, but nearly 70 percent knew that infectious diseases brought by European settlers were the major cause of death among American Indians in the 1600s. One might suspect

that our teachers are more determined to teach feminist history and the sins of America and its Founders than the basic facts of American history and American achievements. It's fair to assume that the Department of Education has—at best—done nothing to improve that situation.

Goals 2000

The centerpiece of the Clinton administration's education efforts has been Goals 2000, a comprehensive plan to encourage states to meet eight ambitious goals originally developed by the nation's governors. The Goals 2000: Educate America Act of 1994 and its supporters repeatedly promise that it is not intended to control or direct education, only to support and encourage reform. But as Lance Izumi and Natalie Williams point out in a paper published by the Pacific Research Institute and the Claremont Institute, the Goals 2000 Act uses the word ''will'' at least 45 times in describing what states and local districts are expected to do to accomplish the act's goals. The more permissive ''should'' is used only three times. For instance, one finds such dictates as

- States and school districts will create integrated strategies. . . .
- Schools . . . will offer more adult literacy, parent training and lifelong learning opportunities. . . .
- Every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program. . . .

Goals 2000 creates a plethora of new federal bureaucracies, including the National Education Standards and Improvement Council, the National Education Goals Panel, the National Skills Standards Board, the National Educational Research and Policy Priorities Board, the National Library of Education, the National Occupational Information Coordination Committee, and the National Education Dissemination Committee. It also provides for a network of regional educational laboratories.

The act doesn't stop at prescribing actions for states and schools. It also declares, ''Every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn.'' Worthy goals, indeed, but does the federal government intend to investigate—or require that states investigate—whether every parent in America is ''devoting time each day to helping such parent's preschool child learn''? Sheldon Richman writes in a study for Colorado's Independence Institute that the entire Goals 2000 program is based on the discred-

ited philosophy that ''high-quality education in the United States requires planning and coordination by the federal and state governments.''

Discussing Goals 2000 and H.R. 6, another education bill passed by the 103rd Congress, former secretaries of education Lamar Alexander and William Bennett argue, ''It becomes plain that their authors want to substitute decisions made in Washington for decisions made by individual households and communities. . . . They use federal funding in a deceptive way that is designed to elicit the behaviors that other parts of the legislation declare to be 'voluntary.' ''

Former Department of Education official Diane Ravitch explains that the new federal standards ''would permit federal regulation of curriculum, textbooks, facilities and instructional methods. . . . The bill describes the federal 'opportunity-to-learn' standards as 'voluntary,' but litigation would quickly turn them into mandates.''

Programs, Programs, and More Programs

The administration continues to demonstrate its faith in the power of federal money and federal programs to improve local schools. The president's 1999 budget proposal called for more spending in many areas—from the America Reads Challenge (to encourage reading) to a mind-numbing series of technology programs (the Technology Literacy Challenge Fund, the Technology Innovation Challenge Grants, the Teacher Training in Technology Initiative, and the Community-Based Technology Centers). It proposes billions for functions that are clearly local in nature—school construction, reducing class size, addressing drug abuse in middle schools, and ''21st-Century Community Learning Centers'' (which means letting kids stay at school after school hours).

Sadly, congressional Republicans seem to have bought the argument that it is appropriate and productive for the federal government to manage multiple education programs. An October 2, 1998, press release from Speaker of the House Newt Gingrich ''applauded . . . the bipartisan support'' for the Higher Education Amendments of 1998, including an increase in the size of Pell Grants, new programs to strengthen the quality of teachers, new programs to help disadvantaged students, the new Campus-Based Child Care Program that would award grants to colleges for student child care, and more.

Former assistant secretary of education Chester E. Finn Jr. points out that this plethora of programs reflects the

> Wrong diagnosis. Wrong client. Wrong paradigm. Uncle Sam is still seeking quantity enhancement when quality is the issue. He is funding public school monopolies when they have become the source of the problem. And he is blithely assuming that expert-driven, uniform, top-down, government-centered strategies will bring about change when the real dynamism in education reform is coming from very different sources.

New Directions

As the world is turning away from central planning and government mandates, U.S. education policy is moving in just the opposite direction. A legitimate concern about the quality of education has been coopted by the education establishment and turned into an excuse for more funding and more federal regulation. Amazingly, the 104th Congress actually appropriated more money for the Department of Education in FY97 than President Clinton had requested. In a memo to department employees, Secretary of Education Richard W. Riley and Deputy Secretary Marshall S. Smith called their new budget ''a truly remarkable turn of events for the Department of Education.'' Not only did Congress give the department $26.3 billion in discretionary funds, $743 million more than the president had requested, it managed to increase funding over FY96 for several much-criticized programs:

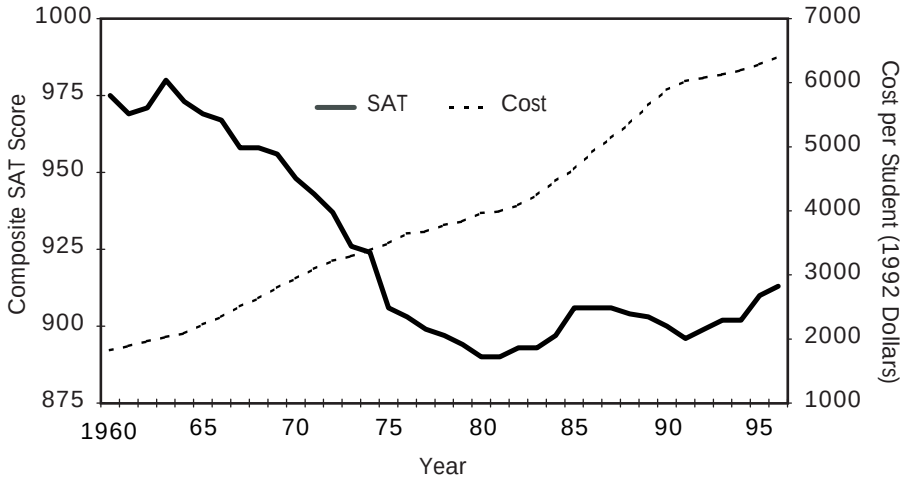
- Goals 2000, up 40 percent;
- Concentration Grants to Local Educational Agencies, up 46 percent;
- Safe and Drug-Free Schools State Grants, up 26 percent; and
- Bilingual and Immigrant Education, up 40 percent.

And, as noted, the 105th Congress has continued the ''throw money at the problem'' approach.

If money could solve the problems of American schools, surely it would have done so by now. Every legislator and education policymaker should memorize the data in Figure 11.1. Remember, these figures are adjusted for inflation. We're spending five times what we did 50 years ago and more than twice what we spent, per pupil, 30 years ago when test scores started to slide.

The problem with U.S. schools is not lack of funding. The problem is that the schools are run by a bureaucratic government monopoly, which is increasingly isolated from competitive or community pressures. We expect good service from businesses because we know—and we know that they know—that we can go somewhere else if we're not happy. We

Figure 11.1
Average Student Performance and Cost



SOURCE: National Center for Education Statistics, *Digest of Education Statistics, 1995*, U.S. Department of Education, p. 163.

instinctively know we won't get good service from the post office or the Division of Motor Vehicles because we can't go anywhere else.

So why, on the eve of the 21st century, are we still running our schools like the post office instead of Federal Express? We need to open education to competition. Let parents choose the schools they think will be best for their children, without making them pay once for government schools and again for an independent school.

You can bet that if schools had to depend on satisfying customers, there wouldn't be many that decided to skip phonics and math for 10 years—as California's schools did—and then say, ''We made an honest mistake''—as California's superintendent of public instruction did. Long before 10 years had passed, the students and their families would be gone.

The way to improve American education is to open the system to choice and competition. Give parents the freedom to send their children to schools that they choose. Get the dynamic and innovative for-profit sector looking for ways to deliver more education for less money. Let a thousand experiments bloom—from charter schools to vouchers to tax credits to private management to full separation of school and state—and let families and school systems emulate the successful ones.

But here's the urgent warning to well-meaning members of Congress: *Don't do any of this at the federal level.* Don't reform education. Don't change the rules. Don't set up a demonstration project. Don't impose national standards. And by all means don't set up a national voucher plan. Even block grants to states, favored by some conservatives, have many problems: they continue the illusion that federal money is ''magic money'' that doesn't come from the people in the several states; they get state and local education agencies hooked on federal money; and they subsidize the very monopolies that need to be opened to competition.

Just eliminate the Department of Education, end its meddlesome subsidies and regulations, and return its $30 billion budget to the American people in the form of a tax cut. Then let 260 million Americans decide how best to spend that money. The question isn't whether Americans will spend lots of money on education. The question is *who* will spend that money: Congress and the federal bureaucracy, state bureaucracies, local school districts, or families. The closer to the family we push the decision-making, the more dynamic, competitive, and innovative the educational system will be.

Congress should affirm the wisdom of the Founders in not granting the federal government any power over education and return the vital function of education to the states, localities, and families where it can be managed best.

Suggested Readings

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