

Waste Land Legislative Guide

NATIONAL
ASSOCIATION
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Introduction

In *Waste Land: The Education Department's Profligacy, Mediocrity, and Radicalism*, the National Association of Scholars provided a thorough guide to suggestions to how to reform the United States Education Department (ED). *Waste Land*, however, did not include a key connecting our suggested reforms to the particular statutes that needed to be emended or repealed to put our suggestions into effect. We provide that key here, in *Waste Land Restored: A Legislative Guide to Reforming the Education Department*.

Our reform philosophy in *Waste Land* has been to enhance ED transparency and accountability, but not simply to call for its elimination. We take this tack not least because we do not think it will be effective just to craft a bill that eliminates ED—but simply transfers its functions to other departments. Effective education reform requires eliminating the dozens or hundreds of statutes mandating education spending on an extraordinary variety of programs. *Waste Land Restored* therefore preserves within ED the statutes authorizing the major components of ED spending, including special education, Title I Grants to disadvantaged students, Pell Grants, and Ford Direct Loans. It also specifies the relocation of dozens of statutes, and the programs they authorize, to other departments. It further specifies the repeals of scores more statutes, and the programs they authorize. *Waste Land Restored* should help policymakers engage in comprehensive reform of ED.

It will not be total reform. We mention some chapters of legislation that we have not yet thoroughly examined—and we are sure there are more statutes authorizing Education Department spending scattered through the United States Code. Yet we believe that our recommendations address statutes authorizing the vast majority of Education Department spending. Policymakers and citizens should be able to use *Waste Land Restored* as the basis for very thorough education reform legislation.

The Department of Education

Federal education legislation generally is located within [TITLE 20 - EDUCATION](#). Much of Title 20, but not all, concerns the Education Department (ED). Statutory changes to reform ED generally should emend provisions within Title 20.

Within Title 20, [CHAPTER 31—GENERAL PROVISIONS CONCERNING EDUCATION \(§§ 1221 - 1235\)](#) and [CHAPTER 48—DEPARTMENT OF EDUCATION \(§§ 3401 - 3510\)](#) provide the statutory basis for the general administration of ED. Since we do not recommend eliminating ED, we do not recommend changes to these chapters. Should Congress decide it does want to eliminate ED, it should focus on repealing and/or revising statutes within these chapters.

We do recommend transferring the function of several components of ED to other departments and offices. We especially recommend looking at the language in [SUBCHAPTER III—TRANSFERS OF AGENCIES AND FUNCTIONS \(§§ 3441 - 3447\)](#) to provide a model for how new statutes of such transfers should be worded. Repealing this subchapter would be a simple way to arrange for pruning substantial amounts of ED.

Special Education

A bipartisan majority of American policymakers and the public support federal funding of special education. ED therefore should retain responsibility for special education as one of its core missions. The first step to establish ED accountability for special education is to collect all programs scattered throughout ED, for K-12 education, postsecondary education, and research, into one focused Office of Special Education, which should replace the current Office of Special Education and Rehabilitative Services (OSERS).

We make the following reform recommendations for OSERS:

Rehabilitation Services

- Relocate the Rehabilitation Services Administration to the Secretary and Department of Health and Human Services (HHS), either as its own unit or as a component of Administration for Community Living, by amending 29 U.S. Code 16 § 702. Rehabilitation Services Administration, and all other relevant language in 29 U.S. Code Chapter 16 - VOCATIONAL REHABILITATION AND OTHER REHABILITATION SERVICES.
 - Relocate the Special Olympics to the Secretary and Department of Health and Human Services (HHS), by amending the Special Olympics Sport and Empowerment Act of 2004 [42 U.S. Code § 15001 - Findings, purposes, and policy (Notes)].
 - Relocate all responsibilities in 20 U.S. Code CHAPTER 6A—VENDING FACILITIES FOR BLIND IN FEDERAL BUILDINGS (§§ 107 – 107f) to the Secretary and Department of Health and Human Services (HHS).
- Repeal 29 U.S. Code 16 § 718. Traditionally underserved populations, which serves to promote race discrimination within rehabilitation services and should be repealed.
- Relocate the Helen Keller National Center for Deaf-Blind Youths and Adults to the Secretary and Department of Health and Human Services (HHS), either as its own unit or as a component of Administration for Community Living, by amending 29 U.S. Code Chapter 21 - HELEN KELLER NATIONAL CENTER FOR YOUTHS AND ADULTS WHO ARE DEAF-BLIND.
- Policymakers should consider whether American Indian Vocational Rehabilitation Services and American Indian Vocational Rehabilitation Training and Technical Assistance Center should be relocated to the Secretary and Department of the Interior, the Bureau of Indian Education. If so, they should amend 29 U.S. Code 16 § 741. Vocational rehabilitation services grants, and related statutes.
- Policymakers should consider whether several programs that contain aspects of both special education and rehabilitative services should be relocated with the Rehabilitation Services Administration to HHS, or should be relocated to the new Office of Special Education within the ED. These programs include: National Technical Assistance Center on Transition for Students with Disabilities: The Collaborative; Braille Training; Parent Information and Training; 4.421F: DIF - Creating a 21st Century Workforce of Youth and Adults with Disabilities Through the Transformation of Education, Career, and Competitive Integrated Employment; and OSERS Transition Activities.

Special Education

- Congress should amend 20 U.S. Code 48 § 3417. Office of Special Education and Rehabilitative Services, to rename the Office of Special Education and Rehabilitative Services as the Office of Special Education, and to reduce the new Office’s remit so that it no longer includes Rehabilitative Services. 20 U.S. Code 33 § 1402. Office of Special Education Programs also should be emended, to amalgamate the subordinate Office of Special Education Programs specified here with the Office of Special Education.
- The Office of Special Education should include all K-12 and postsecondary programs devoted to special education. These should include programs currently located within Rehabilitation Services, Impact Aid, Postsecondary Education (Institutional Service), and the Institute for Education Sciences, as well as 20 U.S. Code CHAPTER 6—AMERICAN PRINTING HOUSE FOR THE BLIND (§§ 101 - 106a), CHAPTER 55—EDUCATION OF THE DEAF (§§ 4301 - 4363) (including Gallaudet University [Part A—Gallaudet University (§§ 4301 - 4311)] and National Technical Institute for the Deaf [Part B—National Technical Institute for the Deaf (§§ 4331 - 4332)]).
- Congress should repeal the “Equity Requirements in IDEA,” which have been used to impose discrimination on special education programs. Statute language which should be emended or repealed include:
 - 20 U.S. Code § 1412 - State eligibility (a)(22)(A-B): “The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities. ... If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this chapter.”
 - 20 U.S. Code § 1416 - Monitoring, technical assistance, and enforcement (a)(3)(C): “Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.”
 - 20 U.S. Code § 1418 - Program information (d) Disproportionality [entire section].
- Congress should consider whether to remove the unfunded mandates in the Individuals with Disabilities Education Act (20 U.S. Code CHAPTER 33—EDUCATION OF INDIVIDUALS WITH DISABILITIES (§§ 1400 - 1482)). Congress might, for example, emend § 1412. State eligibility and § 1413. Local educational agency eligibility to specify that IDEA requires the states and LEAs to match federal special education expenditures at a 3:2 ratio, but does not legally require them to spend more. The federal government’s current spending commitment for special education, in other words, would provide a cap to the mandate to states and school districts for special education funding.

Grants to Local Educational Agencies

The bulk of Education Department spending in Education for the Disadvantaged consists of formula grants known as Grants to Local Education Agencies. These now are dispersed in four separate formulas, authorized in the following statutes:

- 20 U.S. Code 70: [§ 6333. Basic grants to local educational agencies](#)
- 20 U.S. Code 70: [§ 6334. Concentration grants to local educational agencies](#)
- 20 U.S. Code 70: [§ 6335. Targeted grants to local educational agencies](#)
- 20 U.S. Code 70: [§ 6337. Education finance incentive grant program](#)

These four statutes should be repealed and replaced with one statute authorizing one simple formula grant. This formula should be as close as possible either to: 1) a formula that provides block-grants to the states; or 2) a formula that provides portable individual education savings accounts to parents of disadvantaged children.

Within Education for the Disadvantaged, a few programs should be relocated elsewhere.

- 20 U.S. Code 70: [§ 6331. Grants for the outlying areas and the Secretary of the Interior](#)
Responsibility for disbursement of funds to the Commonwealth of the Northern Mariana Islands and the Republic of Palau should be relocated to the Secretary and Department of State.

Congress should amend 20 U.S. Code 48: [SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT \(§§ 3411 – 3427\)](#), by modifying [§ 3414. Office of Elementary and Secondary Education; inclusion of Office of Migrant Education](#) to establish an “Office of Title I Grants” exclusively devoted to administering and disbursing Title I grants. Policymakers and the public then will be better able to hold ED accountable for how it administers these grant funds. This administrative division also will help policymakers and the public to distinguish between ED spending on these formula grants and other ED spending on K-12 education.

English Language Acquisition (ESEA III–A)

The Office of English Language Acquisition (OELA) poses a quandary to education reformers. On the one hand, it is a vital American interest that everyone in the country speak English, so as to hasten the assimilation of immigrants into the American nation. On the other hand, English Language Acquisition in practice often has supported “bilingual education” and other pedagogies that actively retard learning English. Such programs also serve effectively as a subsidy for illegal aliens, since there are no limits to who qualifies for such programs.

ED, furthermore, has begun to abandon its institutional focus on English Acquisition. The Office of English Language Acquisition now contains an Office of Multilingual Initiatives. There *should* be an Office of English Language Acquisition—but only if it is thoroughly reformed to support English Language Acquisition, and not to serve as a subsidy for illegal aliens.

OELA’s authorizing language ([SUBCHAPTER III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS \(§§ 6801 – 7014\)](#)) does not appear to contain programmatic commitments that require major reforms. We recommend:

- Eliminate the Office of Multilingual Initiatives, which does not appear to have a statutory basis, and can be done by administrative initiative.
- Relocate [§ 6822. Native American and Alaska Native children in school](#) to the Secretary and Department of the Interior, Bureau of Indian Education.
- Eliminate all discretionary grants and redirect their funding to the formula grants authorized in [§ 6821. Formula grants to States](#).
- Consider how English Language Acquisition formula grants might be transformed into block grants to the states.

Migrant Education

While it is a reasonable goal to ensure that migrant children have a reasonable chance to get a K-12 education, ED itself should not be engaged in this activity. Congress should amend 20 U.S. Code 48: [SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT \(§§ 3411 – 3427\)](#), by modifying [§ 3414. Office of Elementary and Secondary Education: inclusion of Office of Migrant Education](#) to relocate the Office of Migrant Education (OME) to the Secretary and Department of Health and Human Services (HHS), where it should be placed in [Social Services](#). The relocated Office of Migrant Education should have responsibility for all expenditures authorized by 20 U.S. Code 70 [Part C—Education of Migratory Children \(§§ 6391 – 6399\)](#).

While we do not recommend further changes, we note that the current structure of OME spending requires the establishment of state bureaucracies to apply for OME dollars, and the parallel establishment of considerable federal power by holding the purse strings to these funds. Once policymakers have relocated OME to HHS, they might they consider transforming OME into a formula grant or a block grant to the states, by further detailed reform of these statutes.

OME's core responsibility should be to help states and LEAs to provide American students under 18 a public K-12 education. Policymakers therefore should consider eliminating [College Assistance Migrant Program](#) and [High School Equivalency Program](#), since they do not serve that core focus. If they do so, they particularly will need to reform 20 U.S. Code 28 [Subpart 5—special programs for students whose families are engaged in migrant and seasonal farmwork \(§ 1070d-2\)](#), especially [§ 1070d-2. Maintenance and expansion of existing programs](#).

Should Congress wish to compensate for this eliminated spending, we recommend augmenting the authorized expenditures for Grants to Local Education Agencies. States and school districts should be free to direct as much federal money toward migrant education as they desire.

Rural, Insular, and Native Education

- *Rural Education:* Policymakers should eliminate dedicated funding for rural education [20 U.S. Code 70 [Part B—Rural Education Initiative \(§§ 7341 – 7355c\)](#)]. Policymakers might choose compensate for the elimination of this program by altering the formula for Grants to Local Education Agencies to give a set and simple advantage to rural districts.
- *Insular Education:* America's Compacts of Free Association with its former Pacific Island territories ought to be relationships with *foreign* countries, no matter how close and friendly those relationships. Congress particularly should modify 20 U.S. Code 48: [§ 3427. Coordinator for the](#)

outlying areas. Responsibility for disbursement of funds to the Commonwealth of the Northern Mariana Islands and the Republic of Palau should be relocated to the Secretary and Department of State. Every ED program should be modified accordingly. Congress also should reform every relevant part of 48 U.S. CHAPTER 18—MICRONESIA, MARSHALL ISLANDS, AND PALAU (§§ 1901 – 1990) to make possible this change. Congress might also consider whether programs disbursing funds for American Samoa, Guam, and other American territories might better be relocated to the Secretary and Department of the Interior.

- *Indian Education*: Congress should amend 20 U.S. Code 48: SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT (§§ 3411 – 3427), by modifying § 3423c. Office of Indian Education to relocate the Office of Indian Education to the Secretary and Department of the Interior, particularly the Bureau of Indian Education. All statutes and programs within 20 U.S. Code 70 SUBCHAPTER VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION (§§ 7401 – 7546), and all other programs for Indian, Native Hawaiian, and Alaska Native education, likewise should be relocated to the Secretary and Department of the Interior, particularly the Bureau of Indian Education.

Neglected, Homeless, and Criminal Students

While it is a reasonable goal to ensure that neglected, homeless, and criminal (“delinquent”) children have a reasonable chance to get a K-12 education, ED itself should not be engaged in this activity. Congress should amend 20 U.S. Code 70 Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk (§§ 6421 – 6472) to relocate these programs (including Students in Foster Care and Education for Homeless Children and Youths Grants for State and Local Activities) and their authority to the Secretary and the Department of Health and Human Services (HHS), where they should be placed in Social Services.

While we do not recommend further changes, we note that the current structure of ED spending for these programs requires the establishment of state bureaucracies to apply for ED dollars, and the parallel establishment of considerable federal power by holding the purse strings to these funds. Once policymakers have relocated these programs to HHS, they might then consider transforming OME into a formula grant or a block grant to the states, by further detailed reform of these statutes.

The education of criminal (“delinquent”) children, in particular, should be relocated to the Justice Department rather than to HHS. Congress should amend 20 U.S. Code 48 § 3423a. Office of Correctional Education to relocate the Office of Correctional Education to the Justice Department. All associated statutes, including 29 U.S. Code 32: § 3305. Programs for corrections education and other institutionalized individuals and 20 U.S. Code 70 § 6455. Program requirements for correctional facilities receiving funds under this section, should be revised to relocate programs for correctional and delinquent education to the Justice Department, particularly the Bureau of Justice Assistance. If appropriate, policymakers might also consider transforming these programs into a formula grant or a block grant to the states, by further detailed reform of these statutes.

Impact Aid

The Impact Aid Program (IAP) provides assistance to local school districts with concentrations of children residing on Indian lands, military bases, low-rent housing properties, or other Federal properties and, to a lesser extent, concentrations of children who have parents in the uniformed services or employed on eligible Federal properties who do not live on Federal property. In other words, IAP ensures that the federal government does not impose on states and LEAs an unfunded mandate to educate children residing on Federal property. IAP embodies Federal accountability and responsibility and should be preserved—but it can and should be reduced in scope, to support reform of ED to focus on its core missions. Congress should amend the following statutes within 20 U.S. Code 70 SUBCHAPTER VII—IMPACT AID (§§ 7701 – 7714) as follows:

- All responsibilities for Indian education, Indian lands, Indian reservations, and Indian students, including relevant portions of § 7704. Policies and procedures relating to children residing on Indian lands, should be relocated to the Secretary and Department of the Interior, particularly the Bureau of Indian Education.
- All responsibilities for dependents of members of the Armed Forces and Department of Defense civilian employees, including relevant portions of
 - § 7703a. Impact aid for children with severe disabilities,
 - § 7703b. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees,
 - § 7703c. Plan and authority to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or base closures and realignments, and
 - § 7703d. Assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations, where they are not already the responsibility of the Secretary and Department of Defense, should be relocated to that Secretary and Department, particularly Department of Defense Education Activity.
- All responsibilities for special education, where they are not already the responsibility of the Secretary and Department of Defense or the Secretary and Department of the Interior, should be relocated to the Office of Special Education.
- Policymakers should consider whether to eliminate Construction (20 U.S. Code § 7707 - Construction), Facilities (20 U.S. Code § 7708 - Facilities), and Payments for Federal Property (§ 7702. Payments relating to Federal acquisition of real property), and replace them with equivalent funds added to Payments for Federally Connected Children (§ 7703. Payments for eligible federally connected children).

State Assessments

Bipartisan majorities during the last generation have supported a federal role in supporting and supervising state assessments, as a way to increase student educational attainment—although with some

concern that the federal government not assert too much power via this role upon the states and school districts. Given that this component of the ED has received recent bipartisan support, we do not recommend its immediate elimination. We recommend instead:

- Congress should amend 20 U.S. Code 48: [SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT \(§§ 3411 – 3427\)](#), to establish a new Office of Education Standards (OES). OES should be responsible for [Part B—State Assessment Grants \(§§ 6361 – 6364\)](#).
- Congress then should consider further reforms to the OES, including transforming it into a formula grant, transforming it into a block grant, or simply eliminating it.

Ed-Flex

ED operates 20 U.S. Code 68 [§ 5891b. Educational flexibility program](#), which “allows the Secretary of Education to delegate to states with strong accountability safeguards the authority to waive certain federal education requirements that may, in particular instances, impede local efforts to reform and improve education.” Congress should simply universalize the freedoms granted to states and school districts in Ed-Flex, and repeal the power to interpose “accountability safeguards” currently granted to ED. This reform will build upon ED’s best existing practices to pave the way for further reforms, such as block grants to the states.

School Choice, Charter Schools, and Gifted Education

Congress should establish a new Office of School Choice, Charter Schools, and Gifted Education, independent of the Office of Elementary and Secondary Education and directly responsible to the Office of the Deputy Secretary, which can maintain an exclusive focus to foster these beneficial elements in American K-12 education.

- Congress should amend 20 U.S. Code 48: [SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT \(§§ 3411 – 3427\)](#), to rename the Office of Non-Public Education as the Office of School Choice, Charter Schools, and Gifted Education (OSCCSGE).
- OSCCSGE should take responsibility for the following statutes and the programs they fund:
 - 20 U.S. Code 70 Expanding Opportunity Through Quality Charter Schools (§§ 7221 – 7221j).
 - [Code of the District of Columbia § 38–1853.01 SOAR Act](#).
 - [Code of the District of Columbia § 38–1802.02 DC Opportunity Scholarship Program](#).
 - [20 U.S. Code 70 § 7294 - Supporting high-ability learners and learning](#) (Jacob K. Javits Gifted and Talented Students Education Program).

Arts Education

Within [Subpart 4—Academic enrichment \(§§ 7291 – 7294\)](#), [20 U.S. Code § 7291 - Awards for academic enrichment](#) and [20 U.S. Code § 7292 - Assistance for arts education](#) should be relocated to the National Endowment for the Arts, Arts Education. The following four programs likewise should be relocated to the National Endowment for the Arts, Arts Education.

- Four of these programs, if they are not eliminated, should be moved to the National Endowment for the Arts' Arts Education.
 - Arts in Education National Program
 - Assistance for Arts Education
 - Assistance for Arts Education Development and Dissemination
 - Professional Development for Arts Educators

COVID-19 Relief Programs

The CARES Act of 2020 [15 U.S. Code CHAPTER 116—CORONAVIRUS ECONOMIC STABILIZATION (CARES ACT) (§§ 9001 – 9141)] and the American Rescue Plan Act of 2021 (widely distributed statutes) provided enormous temporary funds to K-12 and postsecondary institutions. These statutes should cease to have effect—but we wish to underline that the funding they provide should cease and not be renewed.

K-12 Education Legislation: Repeals

Much of ED expenditures on K-12 education consists of programs that are duplicative, ineffective, or even counterproductive. The following statutes, and all the programs they authorize, should be repealed:

- 20 U.S. Code 70 SUBCHAPTER II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS (§§ 6601 – 6692), including:
 - Part A—Supporting Effective Instruction (§§ 6611 – 6614)
 - Part B—National Activities (§§ 6621 – 6683)
 - Subpart 1—Teacher and school leader incentive program (§§ 6631 – 6633)
 - Subpart 2—Literacy education for all, results for the nation (§§ 6641 – 6646)
 - § 6642. Comprehensive literacy State development grants
 - § 6643. Subgrants to eligible entities in support of birth through kindergarten entry literacy
 - § 6644. Subgrants to eligible entities in support of kindergarten through grade 12 literacy
 - § 6645. National evaluation and information dissemination
 - § 6646. Innovative approaches to literacy
 - Subpart 3—American history and civics education (§§ 6661 – 6663)
 - § 6662. Presidential and Congressional Academies for American History and Civics
 - § 6663. National activities
 - Subpart 4—Programs of national significance (§§ 6671 – 6675)
 - § 6672. Supporting effective educator development
 - § 6673. School leader recruitment and support
 - § 6674. Technical assistance and national evaluation
 - § 6675. STEM master teacher corps
 - Subpart 5—Recognizing achievement in classified school employees (§§ 6681 – 6683)

- 20 U.S. Code 70 Subpart 1—Student support and academic enrichment grants (§§ 7111 – 7122)
- 20 U.S. Code 70 Part B—21st Century Community Learning Centers (§§ 7171 – 7176)
- 20 U.S. Code 70 Part D—Magnet Schools Assistance (§§ 7231 – 7231j)
- 20 U.S. Code 70 Part E—Family Engagement in Education Programs (§§ 7241 – 7246)
- 20 U.S. Code 70 Part F—National Activities (§§ 7251 – 7294)
 - Subpart 1—Education innovation and research (§ 7261)
 - Subpart 2—Community support for school success (§§ 7271 – 7275)
 - § 7274. Promise neighborhoods
 - § 7275. Full-service community schools
 - Subpart 3—National activities for school safety (§ 7281)
 - **Exceptions:** Relocate Grants to States for Emergency Management, Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center, the Disaster Recovery Unit (currently located within the Immediate Office of the Assistant Secretary of Elementary and Secondary Education), and any other school safety program devoted to real emergencies to the Department of Health and Human Services' Emergency Preparedness & Response.
 - Subpart 4—Academic enrichment (§§ 7291 – 7294)
 - **Exceptions:** Within Subpart 4—Academic enrichment (§§ 7291 – 7294), 20 U.S. Code § 7291 - Awards for academic enrichment and 20 U.S. Code § 7292 - Assistance for arts education should be relocated to the National Endowment for the Arts, while 20 U.S. Code § 7294 - Supporting high-ability learners and learning (Jacob K. Javits Gifted and Talented Students Education Program) should be relocated, as detailed below, to a new Office of School Choice, Charter Schools, and Gifted Education. § 7293. Ready to learn programming, however, should be repealed.
- 42 U.S. Code 21 SUBCHAPTER IV—PUBLIC EDUCATION (§§ 2000c – 2000c-9)
 - This subchapter of the Civil Rights Act, § 2000c-2. Technical assistance in preparation, adoption, and implementation of plans for desegregation of public schools, authorizes the funding of Equity Assistance Centers. These Centers were formerly known as Desegregation Assistance Centers, and the name change registers their change of purpose. Desegregation has been accomplished; “equity” imposes a new discriminatory ideology on America. This component of the Civil Rights Act also should be repealed.

We also urge Congressmen not to earmark any further K-12 Congressionally Funded Community Projects, which require ED spending.

Should Congress wish to compensate for this eliminated spending, we recommend augmenting the authorized expenditures for Grants to Local Education Agencies. States and school districts should be free

to direct as much federal money as they desire toward the purposes for which these statutes authorized funding.

We also recognize that an enormous number of statutes can be construed to authorize federal funding—and that we have by no means mapped all these statutes in these recommendations. Policymakers generally should eliminate any program funding K-12 education which we do not explicitly mention and consider compensating for the eliminated spending by augmenting the authorized expenditures for Grants to Local Education Agencies.

Career, Technical, and Adult Education

The bulk of Career, Technical, and Adult Education is authorized by the Carl D. Perkins Vocational and Technical Education Act (1984; reauthorizations through the Strengthening Career and Technical Education for the 21st Century (Perkins V) Act of 2018) and by the Workforce Investment Act (1998; reauthorization through the Workforce Innovation and Opportunity Act of 2014, especially notable for its Title II: Adult Education and Family Literacy Act). A great amount of the relevant statutes are in:

- 20 U.S. Code 44: [Career and Technical Education \(§§ 2301 – 2414\)](#)
- 20 U.S. Code 45: [Career Education and Career Development \(§§ 2501 – 2569\)](#)
- 29 U.S. Code 29: [Workers Technology Skill Development \(§§ 2701 – 2706\)](#)
- 29 U.S. Code 32: [Workforce Innovation and Opportunity \(§§ 3101 – 3361\)](#)

Congress should amend 20 U.S. Code 48 § 3416. [Office of Career, Technical, and Adult Education](#), to relocate the Office of Career, Technical, and Adult Education (OCTAE) to the Secretary and Department of Labor. Generally, every statute concerned with Career, Technical, and Adult Education should be relocated to the Department of Labor. All references to the “Secretary of Education” and the “Department of Education” therefore should be changed to the “Secretary of Labor” and the “Department of Labor”; or, where both Education and Labor are mentioned, Education should be removed. For example, in 20 U.S. Code § 2503 - Administration by Office of Career Education, the language should read: “The provisions of this subchapter shall be carried out by the Secretary of ~~Education-Labor~~ through the Office of Career Education ...”

While responsibility for Career, Technical, and Adult Education generally should be relocated to the Secretary and Department of Labor, a few programs should be relocated elsewhere.

- 20 U.S. Code 44: [§ 2325. Assistance for the outlying areas](#)
Responsibility for disbursement of funds to the Commonwealth of the Northern Mariana Islands and the Republic of Palau should be relocated to the Secretary and Department of State.
- 20 U.S. Code 44: [§ 2326 - Native American programs](#)
- 20 U.S. Code 44: [§ 2327. Tribally controlled postsecondary career and technical institutions](#)
Responsibility for disbursement of funds to Alaska Natives, Native Hawaiians, and Indian Tribes and Tribal Organizations should be relocated to the Secretary and Department of the Interior, particularly the Bureau of Indian Education.

Any other statute language within Career, Technical, and Adult Education likewise addressing these subjects (Outlying Areas, Native American Programs,) likewise should be revised to relocate administrative responsibility to these other Departments.

Student Financial Assistance

ED should simplify further the number of programs by which it disburses grants and loans, to just Pell Grants, William D. Ford Federal Direct Loans, and Perkins Loans. Congress should redirect any funding for eliminated grant and programs to the Pell Grants, the Ford Loans, and the Perkins Loans.

- Congress should amend 20 U.S. Code 48: SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT (§§ 3411 – 3427), to establish an Office of Postsecondary Student Financial Assistance. The Office of Postsecondary Student Financial Assistance should have responsibility for 20 U.S. Code 28 Subpart 1—Federal Pell grants (§§ 1070a – 1070a-2) and 20 U.S. Code 28 Part D—William D. Ford Federal Direct Loan Program (§§ 1087a – 1087j).
- The Office of Career, Technical, and Adult Education, now located within the Labor Department, should have responsibility for 20 U.S. Code 28 Part E—Federal Perkins Loans (§§ 1087aa – 1087ii).
- Congress should relocate to the Secretary and Department of Health and Human Services 20 U.S. Code 28 Subpart 7—Child care access means parents in school (§ 1070e).
- Congress should relocate to the Secretary and Department of Veterans Affairs, particularly to Education and Training within the Veteran Benefits Administration, all student financial assistance that benefit veterans, including Veterans Upward Bound (currently funded by the TRIO programs, for which see below) and service grants for veterans and their dependents of any past, current, or future war (at present, Iraq and Afghanistan service grants appears to have been repealed: [20 U.S. Code 28 Subpart 10—Scholarships for veteran’s dependents (§ 1070h)]).
- Congress should repeal 20 U.S. Code 28 Subpart 2—Federal early outreach and student services programs (§§ 1070a-11 – 1070a-81).

Note: Subpart 2 includes funding for the TRIO programs and Gaining Early Awareness and Readiness for Undergraduate Programs. Since these funds go to K-12 students rather than to postsecondary students, should Congress wish to compensate for this eliminated spending, we recommend augmenting the authorized expenditures for Grants to Local Education Agencies.

- Congress should repeal the following statutes:
 - 20 U.S. Code 28 Subpart 3—Federal supplemental educational opportunity grants (§§ 1070b – 1070b-4)
 - 20 U.S. Code 28 Subpart 4—Leveraging educational assistance partnership program (§§ 1070c – 1070d)
 - 20 U.S. Code 28 Subpart 5—Special programs for students whose families are engaged in migrant and seasonal farmwork (§ 1070d-2)
 - 20 U.S. Code 28 Subpart 6—Robert C. Byrd honors scholarship program (§§ 1070d-31 – 1070d-41)

- 20 U.S. Code 28 Subpart 9—TEACH Grants (§§ 1070g – 1070g-4)
- 20 U.S. Code 28 Part B—Federal Family Education Loan Program (§§ 1071 – 1087-4)
- 20 U.S. Code 28 Part C—Federal Work-Study Programs (§§ 1087-51 – 1087-58)
- 20 U.S. Code 28 Part I—Competitive Loan Auction Pilot Program (§ 1099d)

Congress should eliminate any other grant or loan programs for postsecondary students, to ensure that the only three remaining general grant and loan programs are Pell Grants, William D. Ford Federal Direct Loans, and Perkins Loans.

Note: Since these funds go to postsecondary students, should Congress wish to compensate for this eliminated spending, we recommend augmenting the authorized expenditures for Pell Grants, William D. Ford Federal Direct Loans, and Perkins Loans.

- Congress should adopt the National Association of Scholar’s recommended reforms to Federal Student Aid, which will ensure that a far greater proportion of undergraduate students are capable of undergraduate coursework
- Congress should remove all ED discretionary power to discharge or forgive loans, save for narrowly enumerated circumstances such as clearly demonstrated fraud by an educational institution. Since ED has claimed its authority for such illegal loan forgiveness by reference to 20 U.S. Code 28 § 1098bb, (a)(1) and (2)(A), Congress should emend this statute at once to prohibit further such abuses. All other statutes granting the Education Secretary discretionary power to discharge or forgive loans also should be emended to stipulate that this only can be done in narrowly enumerated circumstances such as clearly demonstrated fraud by an educational institution.
- Congress should consider whether to convert 20 U.S. Code 28 Part D—William D. Ford Federal Direct Loan Program (§§ 1087a – 1087j) into a professionally governed and managed autonomous government corporation, immune from abusive misgovernment by the executive branch.
- Congress should adopt the National Association of Scholar’s recommended reforms to accreditation by emendations of 20 U.S. Code 28 Part H—Program Integrity (§§ 1099a – 1099c-2).

Historically Black Colleges and Universities

America has a historical commitment to Historically Black Colleges and Universities (HBCUs), which should be preserved. ED should establish an Office of Historically Black Colleges and Universities (OHBCU), directly responsible to the Office of the Undersecretary, which contains programs that aid HBCUs as institutions. When it has established the OHBCU, it should consider whether to amalgamate all remaining programs into a simple formula grant or block grant.

- Congress should amend 20 U.S. Code 48: SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT (§§ 3411 – 3427), to establish a new Office of Historically Black Colleges and Universities (OHBCU).
- OHBCU should take responsibility for the following statutes and the programs they fund:

- 20 U.S. Code 28: [Subpart 2—Honorable Augustus F. Hawkins Centers of Excellence \(§§ 1033 – 1033a\)](#).
 - Congress should emend [§1033. Definitions](#) (1) Eligible Institution so that it only includes Historically Black Colleges and Universities (as defined in [§1061. Definitions](#)) and a Tribal College or University (as defined in [§1059c](#)).
- 20 U.S. Code 28: [Part B—Strengthening Historically Black Colleges and Universities \(§§ 1060 – 1063e\)](#).
- 20 U.S. Code 28: [Part D—Historically Black College and University Capital Financing \(§§ 1066 – 1066g\)](#).
- 20 U.S. Code 28: [§1067q. Investment in Historically Black Colleges and Universities and other minority-serving institutions](#)
 - Congress should emend : [§1067q](#) (a) Eligible Institution so that it only includes Historically Black Colleges and Universities (as defined in [§1061. Definitions](#)) and a Tribal College or University (as defined in [§1059c](#)).
- 20 U.S. Code 28: [Subpart 4—Masters degree programs at Historically Black Colleges and Universities and predominantly black institutions \(§§ 1136a – 1136c\)](#).
- 20 U.S. Code 8: [HOWARD UNIVERSITY \(§§ 121 – 130aa-5\)](#).

National Interest

America now must resist concerted efforts by foreign entities to use our K-12 schools and postsecondary institutions as venues to exert and gain influence. China and various Islamic countries and organizations are the most notable actors engaged in this campaign—and the most notable result has been the wave of Jew-hating intimidation that has swept over America’s educational institutions since October 7, 2023. These varied foreign efforts warrant the creation of an office in ED dedicated to addressing national security threats to American education, as well as further legislation to secure American national interest.

- Congress should amend 20 U.S. Code 48: [SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT \(§§ 3411 – 3427\)](#), to establish a new Office of National Security (ONS).
- Congress should pass a statute giving to ONS responsibilities including:
 - Enforce existing law that requires postsecondary institutions to report foreign gifts of \$250,000 or more.
 - Lower the gift-reporting threshold to \$50,000 and apply it to “pass-through” institutions operating on behalf of educational institutions.
 - Investigate tolerance by educational institution of foreign espionage and other illegal actions and enforcing existing laws to punish such hostile acts.
 - Limit Chinese influence on American educational institutions.
 - Require educational institutions that receive Title VI area studies grants, especially those to Middle East Studies, to live up to their commitments to educate students capable and willing to support American foreign policy.

- Require educational institutions to report, and render deportable, foreign students who engage in illegal actions—especially foreign students engaged in Jew-hating intimidation.
- Enforce laws forbidding “sanctuary campuses”—the admission or employment of illegal aliens.

Postsecondary Education Legislation: Relocations

Office of Special Education

- 20 U.S. Code 28 [Subpart 3—Preparing general education teachers to more effectively educate students with disabilities \(§ 1034\)](#)
- 20 U.S. Code 28 [Part D—Programs To Provide Students With Disabilities With a Quality Higher Education \(§§ 1140 - 1140r\)](#)

Interior Department, Bureau of Indian Education

- 20 U.S. Code 28 [§ 1059c. American Indian tribally controlled colleges and universities](#)
- 20 U.S. Code 28 [§ 1059d. Alaska Native and Native Hawaiian-serving institutions](#)
- 20 U.S. Code 28 [§ 1161j. Improving science, technology, engineering, and mathematics education with a focus on Alaska Native and Native Hawaiian students](#)

Veterans Affairs Department

- 20 U.S. Code 28 [Part T—Centers of Excellence for Veteran Student Success \(§ 1161t\)](#)

Justice Department

- If [Transitioning Gang-Involved Youth to Higher Education Program](#) (authorized by 20 U.S. Code 28 [§ 1138. Fund for the Improvement of Postsecondary Education](#)) should be continued at all, it should be relocated to the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention.

Health and Human Services Department

- 20 U.S. Code 28 [Part L—Student Safety and Campus Emergency Management \(§§ 11611 - 11611-6\)](#)
- If [Basic Needs for Postsecondary Students Program](#) (authorized by 20 U.S. Code 28 [§ 1138. Fund for the Improvement of Postsecondary Education](#)) should be continued at all, it should be relocated to the Department of Health and Human Services.

National Science Foundation

- If the [Center of Excellence in Spatial Computing Program](#) (authorized by 20 U.S. Code 28 § 1138. [Fund for the Improvement of Postsecondary Education](#)) should be continued at all, it should be relocated to the National Science Foundation's Directorate for STEM Education.

State Department and Defense Department

- All ED responsibilities for the following statutes should be transferred to the State Department and Defense Department:
 - 20 U.S. Code 28 [SUBCHAPTER VI—INTERNATIONAL EDUCATION PROGRAMS \(§§ 1121 - 1132-7\)](#)
 - 22 U.S. Code 33 [MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM \(§§ 2451 - 2465\)](#)
- We suggest that all foreign language programs be relocated to the Defense Department's Defense Language Institute Foreign Language Center, and all other programs be relocated to the State Department.
- Congress also should relocate 20 U.S. Code 28 [Subpart 2—Graduate assistance in areas of national need \(§§ 1135 - 1135e\)](#) to the Defense Department.

Postsecondary Education Legislation: Repeals

Much of ED expenditures on postsecondary education consists of programs that are duplicative, ineffective, or even counterproductive. The following statutes, and all the programs they authorize, should be repealed:

- 20 U.S. Code 23 [CHAPTER 23—TRAINING AND FELLOWSHIP PROGRAMS FOR COMMUNITY DEVELOPMENT \(§§ 801 - 807\)](#)
- 20 U.S. Code 28 [Part A—Teacher Quality Partnership Grants \(§§ 1022 - 1022h\)](#)
- 20 U.S. Code 28 [Subpart 1—Preparing teachers for digital age learners \(§§ 1032 - 1032c\)](#)
- 20 U.S. Code 28 [Subpart 4—Adjunct teacher corps \(§ 1035\)](#)
- 20 U.S. Code 28 [Subpart 5—Graduate fellowships to prepare faculty in high-need areas at colleges of education \(§ 1036\)](#)
- 20 U.S. Code 28 [§ 1059e. Predominantly Black Institutions](#)
- 20 U.S. Code 28 [§ 1059f. Native American-serving, nontribal institutions](#)
- 20 U.S. Code 28 [§ 1059g. Asian American and Native American Pacific Islander-serving institutions](#)
- 20 U.S. Code 28 [Part C—Endowment Challenge Grants for Institutions Eligible for Assistance Under Part A or Part B \(§§ 1064 - 1065\)](#)
- 20 U.S. Code 28 [Part E—Minority Science and Engineering Improvement Program \(§§ 1067 - 1067l\)](#)
- 20 U.S. Code 28 [SUBCHAPTER V—DEVELOPING INSTITUTIONS \(§§ 1101 - 1103g\)](#)
 - [Part A—Hispanic-Serving Institutions \(§§ 1101 - 1101d\)](#)

- [Part B—Promoting Postbaccalaureate Opportunities for Hispanic Americans \(§§ 1102 - 1102c\)](#)
- 20 U.S. Code 28 [Subpart 1—Jacob K. Javits fellowship program \(§§ 1134 - 1134d\)](#)
- 20 U.S. Code 28 [Subpart 3—Thurgood Marshall legal educational opportunity program \(§ 1136\)](#)
- 20 U.S. Code 28 [Part B—Fund for the Improvement of Postsecondary Education \(§§ 1138 - 1138d\)](#)
- 20 U.S. Code 28 [Part E—College Access Challenge Grant Program \(§ 1141\)](#)
- 20 U.S. Code 28 [§ 1153. Underground Railroad educational and cultural program](#)
- 20 U.S. Code 28 [Part A—Project GRAD \(§ 1161a\)](#)
- 20 U.S. Code 28 [Part B—Mathematics and Science Scholars Program \(§ 1161b\)](#)
- 20 U.S. Code 28 [Part C—Business Workforce Partnerships for Job Skill Training in High-Growth Occupations or Industries \(§ 1161c\)](#)
- 20 U.S. Code 28 [Part D—Capacity for Nursing Students and Faculty \(§ 1161d\)](#)
- 20 U.S. Code 28 [Part E—American History for Freedom \(§ 1161e\)](#)
- 20 U.S. Code 28 [Part F—Teach For America \(§ 1161f\)](#)
- 20 U.S. Code 28 [Part G—Patsy T. Mink Fellowship Program \(§ 1161g\)](#)
- 20 U.S. Code 28 [Part H—Improving College Enrollment By Secondary Schools \(§ 1161h\)](#)
- 20 U.S. Code 28 [Part I—Early Childhood Education Professional Development and Career Task Force \(§§ 1161i - 1161i-7\)](#)
- 20 U.S. Code 28 [Part K—Pilot Programs To Increase College Persistence and Success \(§ 1161k\)](#)
- 20 U.S. Code 28 [Part M—Low Tuition \(§ 1161m\)](#)
- 20 U.S. Code 28 [Part N—Cooperative Education \(§§ 1161n - 1161n-4\)](#)
- 20 U.S. Code 28 [Part O—College Partnership Grants \(§ 1161o\)](#)
- 20 U.S. Code 28 [Part P—Jobs to Careers \(§ 1161p\)](#)
- 20 U.S. Code 28 [Part Q—Rural Development Grants for Rural-Serving Colleges and Universities \(§ 1161q\)](#)
- 20 U.S. Code 28 [Part R—Campus-Based Digital Theft Prevention \(§ 1161r\)](#)
- 20 U.S. Code 28 [Part S—Training for Realtime Writers \(§ 1161s\)](#)
- 20 U.S. Code 28 [Part U—University Sustainability Programs \(§ 1161u\)](#)
- 20 U.S. Code 28 [Part V—Modeling and Simulation Programs \(§ 1161v\)](#)
 - Note:** If Congress decides to continue the Modeling and Simulation Programs, it should be relocated to the National Science Foundation, Directorate for STEM Education.
- 20 U.S. Code 28 [Part W—Path to Success \(§ 1161w\)](#)
- 20 U.S. Code 28 [Part X—School of Veterinary Medicine Competitive Grant Program \(§ 1161x\)](#)
- 20 U.S. Code 28 [Part Y—Early Federal Pell Grant Commitment Demonstration Program \(§ 1161y\)](#)
- 20 U.S. Code 28 [Part Z—Henry Kuualoha Giugni Kupuna Memorial Archives \(§ 1161z\)](#)
- 20 U.S. Code 28 [Part AA—Masters and Postbaccalaureate Programs \(§§ 1161aa - 1161aa-1\)](#)

We also urge Congressmen not to earmark any further Higher Education Congressionally Funded Community Projects, which require ED spending.

We also recognize that an enormous number of statutes can be construed to authorize federal funding—and that we have by no means mapped all these statutes in these recommendations. Policymakers

generally should eliminate any program funding postsecondary education which we do not explicitly mention and consider compensating for the eliminated spending by augmenting the authorized expenditures for Pell Grants, Ford Loans, and Perkin Loans.

Institute of Education Sciences

The Institute of Education Sciences does valuable research, but most of that research does not need to be located within ED.

- Congress should amend 20 U.S. Code 48: [SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT \(§§ 3411 – 3427\)](#), to relocate § 3419. Institute of Education Sciences to the National Science Foundation, [Directorate for Social, Behavioral and Economic Sciences](#).
- Congress should relocate 20 U.S. Code 33 [§ 1464 - Studies and evaluations](#) and 20 U.S. Code 76 [§ 9567a. Commissioner for Special Education Research](#) to the Office of Special Education.
- Congress should relocate [Javits Projects](#) in gifted education to the new Office of School Choice, Charter Schools, and Gifted Education (OSCCSGE).

Biological Sex

Congress should amend 20 U.S. Code 38 [§ 1681. Sex](#) to clarify that “sex” should be defined as “biological sex recognized at birth.” It also should state explicitly that “sex” does not include sexual orientation, gender identity, or gender expression.

Miscellaneous Statutes

We have not yet explored in detail several chapters of statutes pertaining to federal education policy. These include:

- 20 U.S. Code [CHAPTER 52—EDUCATION FOR ECONOMIC SECURITY \(§§ 3901 – 4081\)](#)
- 20 U.S. Code [CHAPTER 65—NATIONAL ENVIRONMENTAL EDUCATION \(§§ 5501 – 5510\)](#)
- 20 U.S. Code [CHAPTER 68—NATIONAL EDUCATION REFORM \(§§ 5801 – 6084\)](#)
- 20 U.S. Code [CHAPTER 75—EARLY LEARNING OPPORTUNITIES \(§§ 9401 – 9413\)](#)
- 20 U.S. Code [CHAPTER 80—STATE FISCAL STABILIZATION FUND \(§§ 10001 – 10013\)](#)

Congress also should review and reform these chapters, to achieve comprehensive education reform.