

## States Eye Greater Control Over K-12 Policy in Trump Era

By [Daarel Burnette II](#) and [Alyson Klein](#)

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Washington was already poised to return a lot more authority over K-12 policy to states, thanks to the [Every Student Succeeds Act](#), slated to hit school districts next fall. [← Back to Story](#)

Now, with President-elect Donald Trump's victory, that process is only likely to accelerate.

State leaders aren't waiting for the new administration to name all its players or fill in the blanks on in-the-weeds policy details. They're already charging forward with the agendas they have been crafting since [ESSA's passage a year ago](#).

"We don't know the general direction of the new administration," said Chris Minnich, the executive director of the Council of Chief State School Officers. "But the commitment to coming up with high-quality [ESSA] plans is consistent across the chiefs. The resolve is to not worry so much about what the federal government is doing and to really put together high-quality plans so that when the federal government is ready to talk about these things, we know where we are."

Details about the Trump administration's policy direction may be starting to emerge, with the Nov. 23 announcement that Betsy DeVos, a Michigan philanthropist and strong school choice supporter, is [Trump's pick for U.S. Secretary of Education](#).

In fact, if the Trump administration takes a hands-off approach to accountability, as many expect, it could come as a welcome change of pace for states, some experts say.

State leaders have spent the past decade and a half digesting one Washington-driven policy initiative after another, from the No Child Left Behind Act's annual tests under President George W. Bush to the Obama administration's teacher-evaluation and school-turnaround initiatives pushed through under waivers of NCLB requirements.

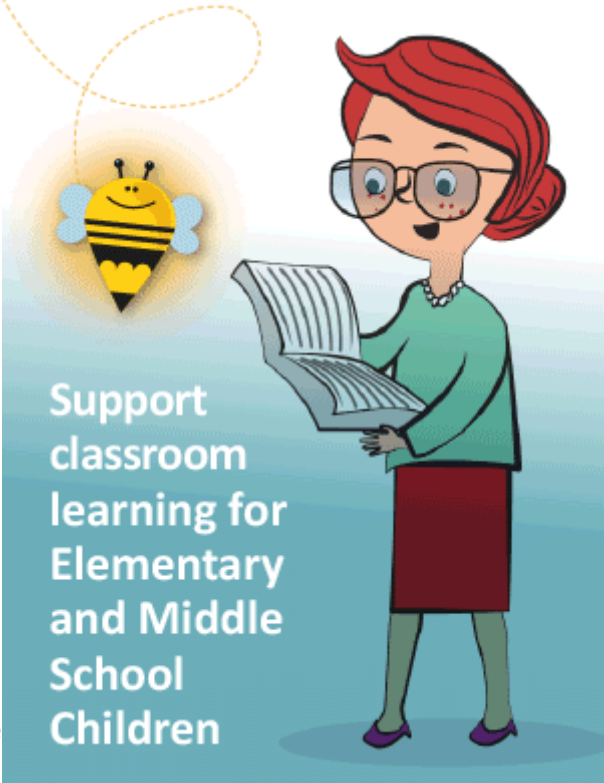
"I think the education world is going to ultimately go, 'Whew, thank heavens,' " Vic Klatt, a one-time aide to Republicans on the House education committee, said at a postelection event sponsored by the Education Writers Association. "No more wacky new changes from the federal level give us a chance to implement things on [our] own and not have to deal with stuff from Washington all the time."

Civil rights organizations agree that some stability will be a positive development if it means that states can push forward on a "serious improvement-focused agenda," said Daria Hall, the interim vice president for government affairs and communications at the Education Trust, which advocates for poor and minority children.



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But if states are going to use a reduced federal role to "take their foot off the gas" when it comes to ensuring educational equity for all students, "there needs to be advocacy that says we can't let up, we have to keep going," Hall said. "The good news is that we think there is a lot of good, equity-focused advocacy going on in states" right now.

### **State Perspectives**

In conversations since the election, state chiefs, state school board members, and state lawmakers shrugged their shoulders when asked how a Trump presidency changes their plans for K-12 education.

Instead, they described a flurry of decisions they've made on their own in recent months in areas including new accountability systems, new high school exams, tweaked learning standards, and redefined graduation standards.

"We just need to stay the course," Melody Schopp, the secretary of education in South Dakota, said in an interview at the Council of Chief State School Officers' annual meeting, in Baltimore, a little more than a week after the election. "We've got great standards. We've got a good assessment system. ... That's my goal: Stay the course."

Stephen Pruitt, the commissioner of education in Kentucky, is on the same page.

"There's nothing in statute or regs that's changed, so we're going to keep going with what's right for kids until somebody tells us to do something different," he said.

The Obama administration set two deadlines for reviewing states' ESSA plans, one in March of next year and one next summer, although it's unclear if the Trump team will stick to that timeline. It will be up to Trump's education secretary—whoever he or she is—to give the ultimate thumbs-up or -down on states' proposals.

That process could also prove pivotal in setting the course for the law's implementation. ESSA includes a lot of vague terms that the U.S. Department of Education and its hand-selected team of peer reviewers will have to puzzle over. How the new administration decides to define those terms—like what it means for various indicators in an accountability system to carry "substantial" weight—could have a serious impact on the shape of the law.

"The process will probably be more open to envelope-pushing ideas," said Reg Leichy, a co-founder of Foresight Law + Policy, a law firm in Washington. "In areas that are a little more gray, the tie will go to the runner," meaning deference to states.

But Leichy doesn't expect that absolutely anything would go. A state couldn't, for instance, completely stop testing its students without running afoul of ESSA.

"I don't think that's something the department, any department, could lawfully ignore," he said.

### **Regulation Questions**

The Trump administration could decide to tweak or toss the Obama administration's proposed regulations for the new law, especially on a complicated spending provision known as supplement-not-supplant, which governs how states and districts divvy up their own money between poor and less-poor schools.

Those regulations sought to close what critics say is a loophole that prevented disadvantaged children from getting access to their fair share of resources. The proposal was hailed by civil rights groups, but came under fire from practitioners, as well as ESSA's Republican sponsors in Congress.

In fact, if the Obama administration decides to proceed with that draft regulation, Congress could vote to strike it down through the Congressional Review Act, said David Cleary, a top aide to Sen. Lamar

Alexander, R-Tenn., at the education writers' event. That would bar the department from issuing similar regulations until legislation was passed.

It's also unclear how the Trump administration will decide to handle the Obama administration's accountability regulations, which are due to be made final by the end of the year. The new administration could hit the pause button on those regulations, let states know through guidance that it won't be enforcing them, or even scrap them and start over.

For now, state leaders are forging ahead.

"We can't wait for the federal government anymore," said Ouida Newton, a state board member in Arkansas, who said officials in her state, after doing on-the-road outreach, are drafting the ESSA plan due for submission to the federal Education Department next year. "Our kids can't wait."

Meanwhile, the Trump administration may have limited sway over K-12 education in some areas where it might want to act, in part because of a list of prohibitions on the education secretary's role included in ESSA.

### **Law's Handcuffs**

The law bars the secretary from offering states money or flexibility for adopting a particular approach to teacher evaluation, school turnarounds, and standards.

That means ESSA prohibits the secretary from telling states that they must ditch a particular set of standards, including the **Common Core State Standards**, which were developed through a partnership between state chiefs and governors. On the campaign trail, Trump called the standards a "disaster" and said he would get rid of them.

What's more, Trump's education secretary could not offer states conditional waivers of some ESSA requirements in exchange for, say, adopting school choice programs or ditching teacher-tenure protections.

When ESSA was under consideration, Democrats fought against the prohibitions on the secretary's role, but now many are grateful for them.

"Folks on the left bemoaned the secretary not being able to effect things like standards, and now we are thanking our lucky stars," said Lanae Erickson Hatalsky, the vice president for social policy and politics at Third Way, a think tank in Washington that seeks to find common ground on controversial issues.

But while Trump can't legally get rid of the common core, he could continue to hurt the standards politically by bashing them from the bully pulpit. Since 33 governors are Republicans—the North Carolina race had yet to be decided as of deadline last week—his opposition to the standards could be influential.

Minnich of the CCSSO, which led the development of the Common Core along with the National Governors Association, said that states continue to embrace rigorous standards, no matter what they decide to call them.

This "isn't about the common core anymore," he said, noting that many states have tweaked or rebranded the standards, but kept a high bar. "If you want to go away from the common core, great, but you better have high standards."

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