



## HEARING SUMMARY

### HOUSE EDUCATION AND THE WORKFORCE COMMITTEE HOSTS EDUCATION SECRETARY TO EXAMINE AGENCY POLICY AND PRIORITIES

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May 16, 2023

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On May 16, 2023, the House Education and the Workforce Committee hosted a hearing titled, "[Examining the Policies and Priorities of the Department of Education](#)." The hearing featured a single witness—Secretary of Education Miguel Cardona. The proceeding began at 10:15 am and adjourned at 3:00 pm (there were several brief recesses) and the secretary faced queries on many familiar and topical education issues.

### WITNESS AND WRITTEN TESTIMONY

- [Secretary of Education Miguel Cardona](#)

### MEMBERS PRESENT

Chairwoman Virginia Foxx (R-NC); Ranking Member Bobby Scott (D-VA); Representatives Raul Grijalva (D-AZ); Tim Walberg (R-MI); Joe Courtney (D-CT); Rick Allen (R-GA); Gregorio Sablan (D-AL-MP); Burgess Owens (R-UT); Suzanne Bonamici (D-OR); Glenn Grothman (R-WI); Mark Takano (D-CA); Jim Banks (R-IN); Alma Adams (D-NC); Bob Good (R-VA); Pramila Jayapal (D-WA); Lisa McClain (R-MI); Susan Wild (D-PA); Mary Miller (R-IL); Lucy McBath (D-GA); Michelle Steel (R-CA); Jahana Hayes (D-CT); Aaron Bean (R-FL); Haley Stevens (D-MI); Eric Burlson (R-MO); Teresa Leger Fernandez (D-NM); Kevin Kiley (R-CA); Kathy Manning (D-NC); Nathaniel Moran (R-TX); Frederica Wilson (D-FL); Lori Chavez-DeRemer (R-OR); Jamaal Bowman (D-NY); Mark DeSaulnier (D-CA); Ilhan Omar (D-MN); James Comer (R-KY); Frank Mrvan (D-IL); Ron Estes (R-KS); Erin Houchin (R-IN); Lloyd Smucker (R-PA); Glenn Thompson (R-PA); and Brandon Williams (R-NY).

### OPENING STATEMENTS

In her [opening remarks](#), **Chair Foxx** reminded the audience of a promise she made to officials in the Administration at the beginning of the 118<sup>th</sup> Congress: "Think about investing in a parking space on Capitol Hill—you will be here often." Citing the Committee's "primary duty" of oversight, she referred to 11 oversight letters she has directed to the Department of Education (ED) this year and what she considers to be the agency's "disingenuous and misleading actions while being minimally responsive to congressional oversight." She turned to what she characterized as the Administration's attempts to circumvent Congressional authority in implementing student loan forgiveness efforts and outlined her

concerns. She accused the agency of being “one of the main proponents of this administration’s culture war on the American people,” taking particular issue with Title IX guidance that she says defines “sex” “as an ideological construction rather than a biological reality.” She lamented the state of K-12 education, pointing to recent disappointing achievement results in math, reading and history, and suggested that the investment of \$190 billion in schools across the pandemic relief bills were funds not well spent, and reminded the audience of her April request for “documents and accountability.”

**Ranking Member Scott** noted that the hearing comes one day before the 69<sup>th</sup> anniversary of the *Brown v. Board of Education* decision, and noted his disappointment with what he contends is persistent segregation in the country’s schools. He announced intentions to introduce legislation to address the state of affairs. He welcomed Secretary Cardona and thanked him for his work to date, noting the investments made possible during the pandemic and what he sees as their positive effects. He also complimented efforts to address student loan programs, including relief efforts, forgiveness for public sector workers and income-driven repayment options. He complimented the White House’s FY 2024 budget request, including efforts to buoy career and technical education, significantly increase funds for the country’s poorest schools, more funds for the Individuals with Disabilities Education Act (IDEA), bigger Pell Grants and other proposals, saying, “When we invest in education, students can succeed.”

## WITNESS STATEMENTS

**Secretary Cardona** thanked Committee leaders for the opportunity to testify on President Joe Biden’s FY 2024 budget request for the Department of Education, saying, “President Biden’s latest budget proposal calls on Congress to act with urgency to provide our schools with the resources needed to raise the bar in education by promoting academic excellence and rigorous instruction, boldly improving learning conditions, and answering unmet challenges like the educator shortage and addressing the mental health needs of our students.” He pointed to the need to invest in better learning conditions, more counselors, mental health providers, full community schools, the teacher workforce, career and technical education, career-connected learning, and making sure postsecondary education is inclusive and affordable. He called for making community college education universal and support for minority-serving institutions of higher education.

## QUESTIONS

**Chairwoman Foxx** started the questioning by addressing the impending restart of student loan payments, noting that she has sent ED a letter asking a number of questions about the restart and whether the Administration will commit to no more relief extensions for borrowers. Secretary Cardona noted that once the Supreme Court rules on the case before them on the topic, repayment will restart within 60 days. Foxx then asked questions about the agency’s communications with loan servicers and efforts to ensure a smooth restart, with some specific questions around servicing contracts. The secretary assured her that the agency is committed to good service for borrowers via these arrangements. Turning to the topic of K-12 schools, Foxx pointed to the principle of local control and the importance of parents, asking if the secretary agreed that local administrators and teachers should defer to them in educational decisions. He said the most effective schools honor that role in a “supportive cast.” Dr. Foxx then asked whether policies that allow students to use pronouns that align with their gender identity undercuts the parental role in education. Secretary Cardona responded that such policies are locally determined.

Skipping **Ranking Member Scott**, **Representative Grijalva** asked Secretary Cardona about Republican proposals to cut funding for domestic programs that would “devastate” Title I and other programs, noting such cuts would have a particularly tragic effect on his constituents. Secretary Cardona responded that

federal funds are crucial in serving students in need and essential to advancing math and reading literacy. Noting that students with disabilities were even more affected by the pandemic than their peers, he said the cuts would result in the loss of 48,000 special education teachers. Representative Grijalva then lamented the ongoing ideological debates that are adversely affecting students, pointing to book bans and other issues, and thanked the Secretary for his agency's efforts.

**Representative Walberg** opened his questioning by citing the “outsized” influence of unions on schools during the pandemic. He returned to the themes of a recent House hearing featuring American Federation of Teachers (AFT) Randi Weingarten and the development of CDC guidance related to school closures. He asked whether Weingarten should have had “veto power” over the agency's guidance and whether ED advised the AFT or the National Education Association (NEA) on their communications efforts around guidance that was developed. The secretary said they did not.

**Representative Courtney's** questioning focused on career and technical education (CTE) and its “moment” in the current economy and educational landscape. He noted that the Perkins Career and Technical Education program would get a \$43 million increase in the budget request, and that in his district, CTE programs are turning away would-be students because they can't serve them. Secretary Cardona said that it is important that education systems “evolve” and challenge the “four-year college or bust” mentality. Providing options is paramount, according to Cardona, who said it is important that all students are also exposed to CTE programs. Such programs, and Career-Connected high schools must partner with local businesses and employers to mutually benefit.

**Representative Allen** noted the country's \$32 trillion debt, arguing that “we are maintaining our standard of living on the backs of future generations.” He pointed to the student loan debt forgiveness plan, saying that the program would cost every one of his constituents \$3,527. He asked Secretary Cardona if taxpayers should subsidize those who went to college, even if they did not attend. Cardona said the program would help prevent default and help borrowers “get back on their feet.” A back and forth ensued, with Representative Allen asking a series of ‘yes’ or ‘no’ questions that took aim at various student loan relief and repayment policies being pursued by the Administration. Representative Allen then took issue with a budget request that represents a \$10 billion increase after, he argued, pandemic era funds were sent to states and schools without accountability.

**Representative Sablan** warned that the Republican-proposed cuts would have a devastating effect on his constituents. Secretary Cardona agreed, saying that a 22 percent cut would reduce TRIO programs by \$262 million, and leave 200,000 students unserved. He discussed the importance of other programs and investments as well.

**Representative Owens** focused on what he considers to be fairness in athletics and the morality of various federal programs, arguing that political progressive policies “did us in” in reference to various federal programs. Secretary Cardona tried to respond with references to the White House budget request and its commitment to students and families.

**Representative Bonamici** noted that she recently participated in a roundtable with Trans students and encouraged her colleagues to do the same so they can “put faces” to these issues and stories. She turned to the Title IV, Part A program, asking how districts are drawing down those funds and the supplemental funds made available via the Bipartisan Safer Communities Act. Secretary Cardona pointed to the importance of these funds in the face of persistent school shootings and increasing student mental health needs. Representative Bonamici then asked about the use of these funds on evidence-based practices versus the “overuse of SROs”—or school resource officers. Turning to education research, Bonamici

asked about the would-be effect of budget cuts on programs; Secretary Cardona pointed to the importance of the work at the Institute of Education Sciences (IES) and said such cuts would be detrimental.

**Representative Grothman** turned to the topic of student loan debt, asking if people should take out more funds than they can afford. Asserting that the current student loan system is “broken,” Cardona said it is difficult to decide how much an 18-year old can afford, and such decisions must consider future earnings. Grothman then pointed to what he considers to be flaws in current laws around financial aid counseling that could lead to students over-borrowing. On the topic of diversity on college campuses, Grothman asserted that professors are often left-leaning. In a back and forth, Cardona said he is concerned about attacks on diversity, equity and inclusion (DEI) on college campuses.

**Representative Takano** said he is concerned about the cost of postsecondary education, saying more of the cost is being borne by families and that there are bad actors in the sector. He pointed to the 2011 incentive compensation ban meant to protect students from low-quality programming. Online program managers are “getting around the intent” of the ban, according to Takano. Secretary Cardona noted that the agency is in the midst of rulemaking on this topic.

**Representative Banks** addressed the topic of critical race theory (CRT) and a 2021 notice from ED regarding a competitive grant program and its reference to the *1619 Project*. He asked why the agency then backtracked on that guidance. Secretary Cardona said, in essence, that such curricular decisions should be made locally. Representative Banks persisted with questions regarding his contentions about the abandoned proposal. He then turned to locally-passed legislation around gender and sports, asking repeatedly if the Administration would deny meals to schools in poor localities if that school prohibited boys from participating in girls’ sports. Secretary Cardona deflected repeatedly, attempting to return to the FY 2024 budget request.

**Representative Adams** addressed support for R&D infrastructure at minority-serving institutions. Secretary Cardona said such programs are important and make up for historic lack of investments. Representative Adams noted the importance of these funds and ensuring that minority-serving institutions have access to them without competition from well-resourced schools.

**Representative Good** asked Secretary Cardona whether he has received an update on the implementation of a memorandum from Attorney General Merrick Garland that, according to Good, directed the FBI to investigate parents expressing concerns about their children’s public education. A back and forth ensued about the appropriate roles of parents and others in education.

**Representative Jayapal** discussed the affordability of higher education and alarming student debt levels, voicing support for the Administration’s plans to provide relief to certain borrowers. There was a cordial back and forth on the various populations that would benefit from the debt relief plan.

**Representative McClain** asked if Cardona believes all colleges should be treated equally; he said he did. She then turned to the student loan debt and asked about bad actors and the use of borrower defense to repayment protections across the higher education sector, trying to secure a time commitment for responding to the query. She also pointed to the importance of timely response to Freedom of Information Act (FOIA) requests. The secretary committed to responding to all such queries.

**Representative Wild** shared that during the hearing, in her state of Pennsylvania, primary elections were taking place, including school board elections. She said that she has heard reports of intimidation and misinformation happening at polling places, much to her dismay. She then gave Secretary Cardona the opportunity to extoll the benefits of free community college.

**Representative Miller** focused on the application of the Department's Title IX guidance on athletics and asked if it is fair for males to compete with females. Asserting that the purpose of Title IX was to encourage female participation in sports, she argued the proposed guidance does the opposite. She then turned to the issue of bathrooms and locker rooms, and Secretary Cardona noted that those policies are set locally.

**Representative McBath** discussed the potential effects of Republican-supported cuts to programs like the Pell Grant Program, asserting that every Republican supports cutting it. She discussed the importance of Pell and other programs, including debt relief, to socioeconomically challenged populations. Secretary Cardona and McBath supported each other's comments.

**Representative Steel** took issue with federal support for Confucius Institutes and Chinese Communist Party (CCP) propaganda and noted that she has legislation that would bring transparency to foreign investments in domestic institutions of higher education. There was a discussion about the reporting of gifts and other efforts to protect the country's interests on college campuses. She then turned to the topic of charter schools, noting that the Secretary has yet to visit one during his tenure and asked him to do so, citing the importance of charter schools in her district and success nationwide. The secretary complimented high-quality public charter schools and committed to a visit.

**Representative Hayes** focused on early childhood education, noting that the Head Start program is a valuable anti-poverty initiative and that those programs are not as widely available as they should be. She then referenced proposals to make access to pre-K universal and asked what ED might do to expand access to pre-K. The budget would invest \$500 million in expanding access to early childhood education, an important investment, according to Cardona.

**Representative Bean** turned to school choice, referencing the Subcommittee hearing he hosted recently on the topic. Secretary Cardona noted that the budget request does not cut funding for public charter schools, but that he does not support public funds being spent on private schools.

**Representative Stevens** talked about the importance of investing in IDEA and the effect of the pandemic on students with disabilities. She asked how ED is ensuring that schools are addressing the needs of such students in its wake. Agreeing that they might be the group of students most affected during the pandemic, the secretary said that the agency has issued specific guidance and supported the Office of Civil Rights actions on the matter. Stevens then turned to the importance of a diverse teaching workforce and the RETAIN Act, which she recently introduced. She and the secretary agreed on the importance of paying student teachers.

**Representative Burlson** asked the secretary if he is concerned about the influence of foreign governments on college campuses; the Secretary replied that he is. He then asked about the transparency around foreign gifts, and Secretary Cardona said that the agency is reporting gifts as set by guidance from the previous administration. Burlson then turned to the infamous National School Boards Association letter, asking whether the Department was involved in writing it; Secretary Cardona said they had nothing to do with the letter.

**Representative Leger Fernandez** used her time to discuss the New Mexico shooting that occurred the day before, as well as other school shootings, asking if banning assault weapons would be supported by the Secretary. He supports such a ban. She then pivoted to her Financial Fitness Act and urged the Secretary and her peers to support it. She also plans to introduce the America's College Promise Act and allowed Secretary Cardona to talk about the benefits of free community college.



**Representative Kiley** recounted what he considered to be Secretary Cardona’s support for vaccine mandates as schools reopened; Secretary Cardona countered that he did not support mandates. Representative Kiley then asked if the agency head ever “fabricated or mischaracterized” data to support mask mandates in a combative exchange; he also asked whether states that delayed reopening were criticized. Secretary Cardona said no on both counts.

**Representative Manning** pointed to the lack of counselors in schools and to legislation she supports that addresses this issue. Secretary Cardona agreed about the importance of a comprehensive approach to addressing mental health needs in schools and the role of afterschool programs and other community partners in such efforts. The two then discussed the importance of the Office of Civil Rights in the face of increasing complaints and the associated need for increased funds.

**Representative Moran** asked Secretary Cardona whether he supports the Parents Bill of Rights Act, given his remarks throughout the hearing calling for parental engagement in K-12 education. Secretary Cardona responded that the level of federal oversight in that bill is inappropriate, in his opinion. An exchange about the appropriate role of the federal government in local education ensued.

**Representative Wilson** thanked the Secretary for visiting schools and afterschool programs in her district before turning to career and technical education and its importance. She then discussed the teaching workforce, noting ongoing shortages and other issues it faces. She asked what the Department might do. In response, Secretary Cardona said, “We don’t have a teacher shortage issue, we have a teacher respect issue.” He said they are owed agency, better working conditions and competitive salaries, and said the budget invests in pathway programs, teacher apprenticeship initiatives and other programs.

**Representative Chavez-DeRemer** shared her concerns related to the literacy levels of high school graduates. Secretary Cardona agreed that literacy levels are concerning and pointed to the Raise the Bar initiative as an effort to improve academic rigor and raise standards. There was then an exchange about the roles of students and parents, respectively, in education.

**Representative Bowman** discussed the effect that Republican-proposed cuts would have on education and other programs, what he considers to be the flaws in the country’s tax code and who contributes “their fair share” to federal programs and supports.

**Representative DeSaulnier** asked Secretary Cardona what he might be hearing about the implementation of the Bipartisan Safer Communities Act and its promise of growing the counselor and social worker workforce. The Secretary said he is optimistic about its early results. There was also an exchange about the importance of translating research to practice.

**Representative Omar** said she feels “our education system is under assault,” pointing to right-leaning groups like Moms for Liberty that, in her opinion, are detrimental to schools and asked what the Department might be doing to push back on such efforts. Saying that “students who are most in need of support are often targeted...and are made to feel unwelcome or not accepted for who they are.” Secretary Cardona pointed to the Office of Civil Rights and other agency offices and efforts that address these concerns.

**Representative Comer**, who chairs the House Oversight Committee, asked about what he considers to be the lack of guidance from the Department on income-contingent repayment plans, arguing that current guidance leaves the program open to fraud. Secretary Cardona committed to an ongoing relationship with Chairman Comer, who also asked about the disclosure of foreign gifts to institutions of higher education, asserting that Chinese students are stealing valuable intellectual property.

**Representative Mrvan's** questioned the Secretary about COVID relief legislation and state and district use of American Rescue Plan dollars. Secretary Cardona replied that over 50 percent of relief dollars were used on salaries. Other expenses include HVAC systems and neglected facilities, among other uses. He pointed to the Department's website, which has more data on use of the dollars. The secretary and Representative Mrvan then engaged in a conversation about applying an apprenticeship model to teacher recruitment and preparation, with Cardona asserting that such models will better prepare and retain teachers.

**Representative Estes** yielded to **Chair Foxx**, who wanted to clarify that the secretary agrees to be responsive to queries from the Committee; Cardona did agree. She then noted that an area of bipartisan agreement is short-term Pell, which she prefers to call "Workforce Pell," and noted a recent hearing on workforce issues that surfaced bipartisan support. She asked Secretary Cardona if he supported the concept. Without saying yes or no, Secretary Cardona said he looks forward to learning more and working together on the issue. The remainder of Representative Estes' time was yielded to **Representative Owens**, who pointed to appalling statistics in Baltimore that show high school graduates leaving school without proficiency in literacy. After a back and forth about the circumstances, he pressed the Secretary on whether he supports choice options. Secretary Cardona repeatedly voiced support for the Administration's budget request and public schools.

**Representative Houchin** posed a series Title IX-focused 'yes or no' questions to the Secretary after noting that she is the parent of two female athletes. Secretary Cardona offered a conversation with the lawmaker versus responding to the questions as she would have preferred, noting that discrimination against Trans students "is rampant" across the country and that the Title IX guidance is meant to protect all students. Representative Houchin moved to the topic of free speech on campus; Secretary Cardona repeatedly said that the ED supports free speech.

**Representative Smucker** voiced his concerns about the Administration's student debt cancelation plan, saying his constituents should not be asked to shoulder that burden. Secretary Cardona responded that the plan is meant to help those who need it the most, and most recipients make less than \$75,000 annually. There was a subsequent exchange based on Representative Smucker's concerns around the financial viability of the targeted relief program and the ability of the agency and its servicers to smoothly restart federal student loan payment administration.

**Representative Thompson** turned to Title I funds and goals. He noted that the Every Student Succeeds Act, enacted in 2015, required a study of the formula that drives distribution of those funds to ensure that funds were going to those districts and schools in greatest need. A 2019 report from the National Center for Education Statistics on the topic showed, according to Thompson, "the formula simply isn't fair." Secretary Cardona agreed that rural communities are often shortchanged in various federal programs, but when pressed on whether the formula is "broken", he said he will investigate further. As an established advocate for CTE programs, Thompson addressed the proposed increase for such programs in the budget request, questioning that the would-be proposed increase would be distributed outside of the established formula for the program. Secretary Cardona said the request would allow the Department some discretion in providing resources and the ability to "push" to ensure schools are evolving to meet the demand for CTE programs.

**Ranking Member Scott** referenced earlier comments about "failing schools" and asked Secretary Cardona what federal statute does to support those schools instead of "letting [students] slip out the back door and go elsewhere." Secretary Cardona said the law allows states and the federal government various interventions and supports. Representative Scott then turned to the American Rescue Plan dollars and how

they helped schools; Cardona asserted that those funds were crucial to recovering from the pandemic and schools and districts continue to rely upon them. Regarding the Public Student Loan Forgiveness program, Cardona was asked how the program is running now that the agency has addressed some of its flaws. Noting that from 2017 to 2021, only 7,000 borrowers benefited from the program, Cardona said from 2021 until today, 600,000 borrowers have benefited. “I would say it’s working,” said Cardona.

**Representative Williams** returned to the topic of disappointing achievement scores, noting that his district includes some of the poorest schools in the country. He asked what accountability Secretary Cardona is enforcing at the agency he leads. In response, the secretary pointed to the Raise the Bar initiative and efforts to engage with states regularly, provide technical assistance, and review their assessment plans. Noting his own support of choice and an education funding model in which resources follow the child, Representative Williams asked what programs at the Department follow that model. Secretary Cardona said he would never support a model that creates “winners and losers.”

## **CONCLUSION**

**Chair Foxx** thanked Secretary Cardona for his time as the hearing ended. It is clear that she and her Republican colleagues would like more responsiveness from the agency in their oversight efforts and that there is tremendous concern from them about the Department’s Title IX proposed guidance. There is very little in the FY 2024 budget request for the ED that Republicans support. In contrast, panel Democrats are largely supportive of the agency and the budget plan and used the hearing as an opportunity to warn of the effects of Republican-proposed budget cuts. There were concerns from both sides of the aisle as the Department prepares to restart collection of federal student loan payments this year, given bad experiences with third party servicers of student loan programs in the past.

The archived video of the hearing and witness testimony can be found [here](#).