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5 on 45:

On Betsy DeVos' confirmation as education secretary

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PITA: This is 5 on 45 from the Brookings Podcast Network. This afternoon, Betsy DeVos was confirmed as the next U.S. Secretary of Education. Listen to Elizabeth Mann, a fellow in Governance Studies here at Brookings, give her reaction.

MANN: Hi, my name is Elizabeth Mann and I'm a fellow in the Brown Center on Education Policy at the Brookings Institution. Earlier this afternoon, Betsy DeVos was confirmed as the Secretary of Education. She was confirmed with a 50-50 vote in the Senate and a tie-breaking vote cast by Vice President Mike Pence so that the final vote tally was 51-50 in her favor. Her nomination and confirmation process was unprecedented in a number of ways, one of which being the Vice President has never in fact before cast a vote to confirm a cabinet level position. But the controversy surrounding Betsy DeVos's confirmation and nomination was also unprecedented in a number of ways.

So, just to put her nomination in historical context, the Secretary of Education position is usually quite collegial, it's not contentious. That stands in stark contrast to the process that we just witnessed with Betsy DeVos. So for example, the first four Secretaries of Education were confirmed with overwhelming majorities on rollcall votes. Since that time, all but the most recent Secretaries have been confirmed with a voice vote, or in one case, with unanimous consent. Secretary John King, the most recent Secretary of Education, received a rollcall vote with 49-40, with seven Republican votes in favor. In contrast, Betsy DeVos received zero Democratic votes. Two Republicans, Senators Collins and Murkowski, also defected to oppose her.

So what does this contentious confirmation process mean moving forward for DeVos's agenda? In an ideal world, she would have spent little political capital on her

confirmation hearing, and maybe she even would have built some, while in the process reassuring potential critics that her unconventional background is a strength, not a weakness. While Republicans in the Senate may support her on these grounds, she gained zero Democratic supporters and opposition among powerful interest groups like unions and at the grassroots level, which is perhaps stronger than ever. So instead of riding a wave of momentum into office, she will now need to overcome these barriers that have emerged during this confirmation process.

Now, it's important to keep in mind that the Secretary of Education's authority was recently dramatically curtailed with the passage of the Every Student Succeeds Act. So, even had she entered with a wave of goodwill, there would still be a limit to what she could do as Secretary, particularly at the K-12 level, given the amount of authority and flexibility that now lies with the states in a reversal from the No Child Left Behind policy era.

Now, in terms of her legislative agenda, she will also most likely face a bumpier road than if her confirmation process had gone smoother. Winning over support for President Trump's \$20 billion voucher plan that he proposed during his campaign would have been difficult to do in any case in Congress. But it certainly won't be easier now after this confirmation. Even with majorities in both houses, she needs at least some Democrats in the Senate to overcome a filibuster on, for example, a \$20 billion voucher plan. But the Democrats sent quite a strong signal recently that they're not likely to work with her any time soon, particularly when it comes to school choice, the one issue that she has championed in the past.

Another question might be, what role will she play in the reauthorization of the Higher Education Act, which the House is now beginning to consider? Betsy DeVos doesn't have experience working in higher education, and the vast majority of her advocacy targets K-12 areas, and in particular school choice. So with that lack of experience and with that lack of advocacy work in this area, she didn't necessarily have a lot of credibility on higher education coming into the confirmation process, and she didn't build any during that process either. So it may be the case that she will follow the lead of senior Republicans in Congress when it comes to higher education reauthorization. Now, that may have been the case anyway before her confirmation process, but my guess is that it's more likely to be the case now.

So finally, I think it's worth asking, was there long-term damage done to her credibility as a result of this confirmation process? We won't know the answer to that now, and we'll have to wait and see how things play out, but I think that it's safe to say that at least in the short term, her authority coming into this position is weaker than she would have liked it to be. The confirmation process itself has revealed fault lines among the Democratic and Republican parties and even among those who support school choice. And so, I think going forward it's safe to say that it may be a bit of a bumpy road, at least in the upcoming months, as the Secretary of Education gets used to her new position.