

# *As DeVos Faces Congress, Officials Say She Hid Plans to Overhaul Department*

By **Erica L. Green**

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WASHINGTON — Education Secretary Betsy DeVos will go before a House panel on Tuesday to defend her agency's budget, including a sweeping overhaul of the Education Department that has strained relations within her agency and with Congress — and defies the White House's budget office.

In recent weeks, Ms. DeVos has clashed fiercely with department staff members over the plan, which they say she tried to withhold from Congress as she imposed on the department what they call an illegal collective bargaining agreement.

Ms. DeVos will testify before the House Appropriations Committee, whose staff was told a week ago that her office had withheld vital information from it regarding the department's budget for the fiscal year that begins in October. The budget request calls for a 5 percent spending cut, eliminates dozens of programs and pitches a \$1 billion school choice proposal. It also includes a shake-up of several divisions that is already underway.

A career department official unveiled details of Ms. DeVos's "Education Reform Plan" in an email to staff members on the House and Senate Appropriations Committees. The email, obtained by The Times, said information driving budget

decisions was omitted from budget justifications submitted to Congress.

“Our concern is about a breakdown in communication, a culture of secrecy and a fear of retaliatory action that has prevented Budget Service from providing House and Senate appropriators and staff, and for that matter, the public, with key information about the department’s plans for fiscal year 2019,” the email said. “Given the potential for some of these proposals to radically impact the way the department carries out its mission, Congress should probably see this.”

Among the proposals outlined in the 56-page plan, obtained by The Times, was the consolidation of a number of administrative offices, cutting the number of regional offices in the Office for Civil Rights and acquiring several programs run by the Department of Labor.

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Department officials said they have since abandoned the civil rights proposals, which were sure to be the most controversial part of the plan. They said the plan remained in flux. It was created last fall to comply with President Trump’s executive order to curb the reach of federal agencies and cut duplication and inefficiency.

Liz Hill, the Education Department spokeswoman, said that it was “absolutely not true” that the department intentionally withheld details from Congress, and that “no final determinations have been made and therefore there is nothing to present.”

“The deliberative reorganization document is just that — a deliberative document not in final form,” she said. “We are following normal protocols for department reorganization.”

Though the plan presents a long-term vision, through 2022, some of its contents were presented in a 14-page presentation to employees in February shortly after the department's budget requests were released. And last week, the department announced it would reassign its budget director, the first move toward disbanding the budget office. The decision was made over the opposition of the White House's Office of Management and Budget, according to Politico. Several other staff changes were announced for 2019.

Some department employees denounced the move as an effort to dismantle an agency that would provide a critical check on the department's overhaul plans, but other experts said it made sense.

"Budget offices, because they have so much power and institutional knowledge, can be seen as obstacles by reform-minded government leaders," said Andy Smarick, a fellow at the conservative American Enterprise Institute. "Many new government officials think they'll only have to fight policy battles, when in fact there are lots of ways, including in the budget process, for their efforts to get scuttled."

The plan aligns with measures Ms. DeVos has taken to shrink her agency, which she has described as bloated. She has shed hundreds of regulations, and hundreds of staff through attrition and buyouts.

For the most part, Ms. DeVos's restructuring plan involves consolidating offices, such as merging the office that oversees charter and private schools with the main office that oversees elementary and secondary education in public schools. The plan would eliminate the Office of the Under Secretary, a position that has helped shape higher education policy, and create a new Office of Lifelong Learning. It would also reduce the number of political appointees.

The proposal also seeks to acquire several programs run by the Department of Labor. The department proposed to take over adult and unemployed worker programs run by the Labor Department, and to redirect the funding for those programs to federal Pell grants so that unemployed workers can enroll in higher education and vocational programs. The department would acquire an “out-of-school youth” program from the Labor Department, as well as a program that helps reintegrate ex-prisoners.

Details of the plan surfaced amid a bitter contract dispute between the DeVos administration and the union that represents the department’s 3,900 employees. Union leaders believe the contract gutted all protections that would allow its members to defend themselves in the department’s overhaul.

Most notably, the contract cuts down the use of “official time,” which employees could use to do union activities, a benefit Congress extended 40 years ago, and instead requires that representatives take unpaid leave for such activities with permission from their supervisors.

The goal of the collective bargaining agreement, Ms. Hill said, “is to treat all employees and the American taxpayers fairly.”

Union officials say the agreement also stripped out previously negotiated provisions for pay increases and promotions, performance evaluations, work schedules, child care and overtime. It also limits the issues that can be brought up as a grievance and eliminates a guarantee against retaliation for filing one.

“This agency contends that their mission is so very important, but how can it be when they’re creating a hostile work environment, where employees are coming and going and worried about what’s going to happen to them on a daily basis?” said Sherron Hall, executive vice president of the American Federation of Government Employees Council 252, which represents Education Department employees.

The union said the agreement came “after months of anti-union proposals and hostile behavior at the table,” which concluded with the department’s bargaining team effectively walking away from negotiations before they even started.

The department said the union failed to negotiate in good faith, ignoring multiple invitations to resolve the impasse and blowing multiple deadlines to submit counteroffers. The department imposed its final offer.

The fight speaks to a larger theme at the department, the employee wrote to congressional staffers.

“Things have gotten pretty awful here,” said the email from the Education Department official, which noted that the department would start requiring screening of all communication with Congress. “And at this point, employees are willing to accept whatever fallout comes with exercising a right to make sure Congress gets information it needs. Employees are tired of seeing their colleagues deputized into misleading Congress.”

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