

To the office of U.S. Representative Mark DeSaulnier

Re: HJRES 208 (119th Congress), Proposing an amendment to the Constitution of the United States to require the United States and the States to jointly ensure a high-quality education to all persons within the United States. • Latest action (2026-08-03): Referred to the House Committee on the Judiciary.

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Office of record (Congress.gov): 2134 Rayburn House Office Building, Washington, DC • (202) 225-2095

Educational Opportunity and Accountability Act of 2025

The measure, as described from the official record: To establish a constitutional right to a high-quality education for all persons in the United States, enforced jointly by the federal government and the states, in order to address educational disparities and ensure equal opportunity.

THE PROPOSAL

This Act is enacted to improve educational quality and equity across the United States without amending the Constitution. It recognizes that education is primarily a state and local responsibility under the Tenth Amendment, but the federal government has a legitimate interest in ensuring that federal funds are used effectively to promote educational opportunity, particularly for disadvantaged students.

Section 1. Purpose. The purpose of this Act is to incentivize states to adopt and implement evidence-based standards for high-quality education, as defined by measurable outcomes in literacy, numeracy, and critical thinking, while respecting state and local control over curriculum and instruction.

Section 2. Federal Grant Program. The Secretary of Education shall establish a competitive grant program, funded as specified in Section 3, to provide financial assistance to states that voluntarily adopt and enforce educational quality standards. To be eligible, a state must submit a plan demonstrating how it will ensure that all students have access to a high-quality education, including provisions for teacher training, adequate school facilities, and support for students from low-income families. The plan must include measurable benchmarks and annual reporting requirements.

Section 3. Funding. The program shall be funded by reallocating 5% of existing discretionary appropriations for the Department of Education, totaling \$2.5 billion per fiscal year, for five years. No new taxes or borrowing are authorized.

Section 4. Oversight and Enforcement. The Government Accountability Office (GAO) shall conduct annual audits of states receiving grants to ensure compliance with their approved plans. If a state fails to meet its benchmarks for two consecutive years, the Secretary may reduce or terminate grant funding, after providing notice and an opportunity for a hearing under the

Administrative Procedure Act. States may appeal funding decisions to federal district court.

Section 5. Sunset. This Act shall sunset on September 30, 2030, unless reauthorized by Congress. A comprehensive evaluation of the program's effectiveness shall be submitted to Congress by the GAO no later than September 30, 2029.

Section 6. Effective Date. This Act shall take effect on October 1, 2025.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Reallocation of 5% of existing discretionary appropriations for the Department of Education
Funding Amount	\$2.5 billion per fiscal year for five years
Sunset Years	5 years
Oversight Body	Government Accountability Office (GAO)
Enforcement Mechanism	Reduction or termination of grant funding after notice and hearing, with judicial review in federal district court
Effective Date	October 1, 2025

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Clause)
- Article I, Section 8, Clause 3 (Commerce Clause, as supporting federal interest in educational outcomes affecting interstate commerce)
- Tenth Amendment (reserving education to states, with federal role limited to conditional spending)
- Fifth Amendment Due Process Clause (ensuring procedural protections in funding decisions)

Concerns with the measure as written:

- The proposed constitutional amendment would expand federal power beyond Article I, Section 8 enumerated powers, potentially violating the Tenth Amendment by mandating state action in a domain traditionally reserved to the states.
- The amendment's vague language ('high-quality education') could lead to federal overreach and litigation under the Fifth Amendment's Due Process Clause, imposing unfunded mandates on states.
- Amending the Constitution is a high bar; the underlying goal of improving education quality can be achieved through statutory means within existing federal powers, such as the Spending Clause (Article I, Section 8, Clause 1) and the Commerce Clause (Article I, Section 8, Clause 3).

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities honored: This bill addresses educational equity by targeting funds to disadvantaged students and requiring measurable outcomes, aligning with Democratic goals of reducing achievement gaps. Republican priorities honored: It respects state and local control by making participation voluntary, limits federal spending by reallocating existing funds, includes a

sunset clause to prevent permanent expansion, and uses competitive grants rather than mandates, appealing to federalism and fiscal conservatism.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources:

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