News & Notes

Following the 2018 midterms, unified Republican control of Congress has ended, and Republican dominance in state legislative chambers has eroded. On the federal level, Democrats gained at least 39 seats and control of the U.S. House of Representatives, while Republicans increased their majority in the Senate by two seats. Education policymaking during the 116th Congress is likely to differ from the previous two years, but the election is unlikely to create a less contentious atmosphere. At the state level, Democrats flipped seven governors’ mansions and seven legislative chambers.

The House Education and the Workforce Committee changes substantially this month. At least nine members, mostly on the Republican side, will leave due to retirements or the election, and others are expected to move to other committees. Several senior Democratic members are in line to assume chairmanships of other committees and likely to move off Education & Workforce. But the leadership will look familiar. Rep. Bobby Scott (D-VA) is slated to become chair, and Rep. Virginia Foxx (R-NC) is expected to remain the committee’s top Republican. Scott’s and Foxx’s policy positions differ significantly, but the pair has forged a positive working relationship that can be expected to continue.

Scott has indicated that reauthorization of the Higher Education Act (HEA) will be a top priority, as it was for the 116th Congress. He has also expressed interest in updating the Education Sciences Reform Act, championing greater investments in early learning, and new funding for school construction. Some House members and the wider stakeholder community are interested in issues such as reauthorization of the Individuals with Disabilities Education Act.

Scott has said he would like to run a bipartisan HEA reauthorization, using the House Democrats’ Aim Higher Act (AHA, H.R. 6543) as the baseline for negotiations. Democrats introduced the AHA this summer to reflect their wish list for higher education reforms and priorities. The bill was written without Republican input and includes costly proposals that budget hawks may oppose, so Scott’s staff has already begun to consider strategies for scaling back. It is too early to tell if a bipartisan process can succeed. At the very least, a bipartisan HEA bill is likely to be significantly stripped down relative to the AHA.

With the election of some high-profile progressive activists, House Democratic leadership may feel a leftward pull, just as Republicans have felt the pull on their right flank over the past two years. These forces could ultimately constrain the HEA conversation in the House, forcing attention back to the Senate, where the process requires more bipartisanship.

Democratic House control likely means increased oversight of the U.S. Department of Education. Secretary of Education Betsy DeVos has testified only a few times before Congress, but Democrats will likely call on her and senior department officials to justify their management of the Office for Civil Rights, implementation of the Every Student Succeeds Act (ESSA), and the administration’s broader regulatory agenda and reorganization plan.

On the other side of the Capitol, Sen. Lamar Alexander (R-TN) is expected to remain chair of the Health, Education, Labor and Pensions Committee, though this will be his final term as chairman given Republicans’ six-year term limit for committee leadership. Sen. Patty Murray (D-WA) will likely return as senior Democrat. A slot on the Republican side has opened up with the retirement of Sen. Orrin Hatch (R-UT), and open slots on other committees may cause some reshuffling among Democrats. Even so, the makeup of the HELP Committee likely will remain much the same.

Although Alexander seems interested in making ESSA, the Perkins Career and Technical Education Act, and HEA the legacy of his chairmanship, the same forces that stymied HEA in the Senate persist. There are also ongoing divisions over ESSA implementation.

The House Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee will likely be led by longtime Appropriations Committee member Rosa DeLauro (D-CT). The ranking member may be the current subcommittee chair, Representative Tom Cole (R-OK). The Senate Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee will likely continue to be led by Senator Roy Blunt (R-MO) and Patty Murray (D-WA).

The federal education budget fared well during the past two fiscal years, but expect a much more difficult environment for fiscal 2020. The skyrocketing budget deficit, lack of agreement on adjusting Budget Control Act caps, and the newly divided government will likely further roll the budget and appropriations process.

Thanks to Reg Leichty and the Foresight Law + Policy team for this analysis.