



Post-Election Analysis – Federal Education Policy November 2016

On November 8, President-elect Donald J. Trump successfully completed his long-shot campaign with one of the most significant political upsets in modern history. Tapping into the anxieties and subversive desires of a neglected electorate, Trump will head to the White House in January as a genuine outsider with a mandate for change. With no prior political or governmental experience of his own, Trump campaigned on a promise to “drain the swamp” and end the political gridlock that has plagued Washington in recent years.

Trump will be aided in that endeavor by a unified Republican Congress; a reality few predicted heading into Election Day. Congressional Republicans rode a wave of Trump support to protect their significant majority in the House (239-193¹) and hold on to a slim majority in the Senate (51-48²). This marks the first time one party has controlled both chambers since 2010, when Democrats used their majorities to pass the Affordable Care Act, stricter bank regulations, and other items on the Democratic wish list.

With the prospect of a friendly and functioning Congress, Trump is in the early stages of establishing the policy objectives he hopes to accomplish over the next four years. His nascent administration is beginning to take shape as his transition team compiles a staff they believe will best enable Trump to accomplish his goals. At the top of Trump’s agenda will be immigration, infrastructure development, and tax reform, in addition to “repealing and replacing” the Affordable Care Act. During his iconoclastic campaign, Trump offered ambitious proposals on all three topics. However, as the Trump transition unfolds, he has moderated a number of his positions, including suggesting he is open to maintaining certain key elements of the Affordable Care Act. Many believe President Trump will be a far more pragmatic deal-seeker than the ideologue he was on the campaign trail.

Education Policy Under President-Elect Trump and the 115th Congress

Though education policy was not a favored topic of Trump during his campaign, it was not immune to his fiery rhetoric. Trump has been openly critical of what he views as overreach by the federal government, even going so far as to advocate for abolishing the Department of Education (Department). As with many of Trump’s more extreme ideas, it is one that is not likely to come to fruition. The Department plays too key a role in administering student aid and protecting the rights of students to be completely eliminated. Nevertheless, the Department under the Trump Administration is likely to be a slimmer, more streamlined operation. Trump is expected to prioritize efforts to reduce costs for higher education and promote vocational education and training. The leading candidate for Secretary of Education is William Evers, a

¹ Louisiana will hold run-off election for two of its House seats and district 7 in California remains too close to call.

² Louisiana will hold a run-off for its Senate election on December 10 between Republican John Kennedy and Democrat Foster Campbell

Trump transition team advisor on education. Evers is a former Assistant Secretary of Education under President George W. Bush.

In Congress, continuity on the Senate and House education committees will be helpful to Trump's cause. The Senate Health, Education, Labor, and Pensions (HELP) Committee will remain under the leadership of Sen. Lamar Alexander (R-TN). Alexander is a highly respected former university president, Governor of Tennessee, and United States Secretary of Education. He is a strong proponent of limiting the federal government's role in education. His counterpart on the HELP Committee will once again be Sen. Patty Murray (D-WA), with whom Alexander developed the bipartisan Every Student Succeeds Act (ESSA), last year's revamp of federal K-12 policy. On the House Education and Workforce Committee, the retiring Chairman, John Kline (R-MN), is very likely to be replaced by Rep. Virginia Foxx (R-NC). Rep. Foxx was most recently the Chair of the Subcommittee on Higher Education and Workforce Training. She is a former community college president and has cited reauthorization of the Higher Education Act as a priority for the 115th Congress. Rep. Bobby Scott (D-VA), Ranking Member of the Education and Workforce Committee in the 114th Congress, is expected to retain that role.

K-12

Following the successful passage of the ESSA in the 114th Congress, the federal government is now focused on implementation. The ESSA was widely praised for empowering states and reducing the role of the Department of Education. As the Department begins to implement the law with guidance and regulations, Congressional Republicans have been quick to rebuke what they view as consistent Department overreach in direct conflict with the intent and plain text of the law. Proposed rules governing state accountability systems and the "supplement, not supplant" funding requirements have drawn particular ire. President-elect Trump is a proponent of decreasing the role of the Department, though it is uncertain what steps he may take to pursue that goal. Education committee leadership will continue to monitor implementation of the ESSA to ensure it is done so in accordance with its intent.

Trump is also expected to pursue policies to promote school choice. During the campaign, Trump released a \$20 billion plan to establish block grants that states could use to help low-income students attend private and charter schools. Moreover, Title I portability, which would allow federal dollars to follow students to the school of their choice, was an important issue for House Republicans during the development of the ESSA. The provision was removed from the bill during the conference committee, at least in part at the behest of the Obama administration. Most education advisors on Trump's transition team are avid proponents of school choice, including William Evers.

Career and Technical Education

President-elect Trump supports providing better avenues for students to receive high quality technical and vocational training, an idea that has received wide bipartisan support in Congress. In September 2016, the House passed the Strengthening Career and Technical Education for the 21st Century Act (HR 5587), a revamp and reauthorization of the Carl D. Perkins Career and Technical Education Act. Sens. Hatch (R-UT) and Bennett (D-CO) introduced a companion bill in the Senate, though it is not expected to see a vote in the lame-duck session. HR 5587 would provide funds for states to improve vocational training programs and better prepare students for the needs of the job market. These policies are likely to be approved in the 115th Congress.

Higher Education Act (HEA)

With the HEA long overdue for reauthorization, the 114th Congress held a number of hearings on issues in higher education. Though no HEA legislation will be completed this Congress, the House Education and Workforce Committee approved a handful of bills aimed at increasing transparency and available information to prospective students regarding higher education options and financial aid. Bills have also been introduced in the House and Senate that would amend the HEA to require institutions of higher education to disclose additional campus crime statistics, including reporting requirements related to sexual violence and harassment. Meanwhile, the Senate HELP Committee produced discussion briefs and task force reports recommending, among other things, streamlining federal regulations and student aid programs, simplifying FAFSA forms, and accreditation reform. President-elect Trump has also expressed support for consolidating and simplifying federal loan programs and has advocated for income-based loan repayment plans. These proposals will form the foundation for a renewed efforts to pass an HEA reauthorization next Congress. Committee leadership in both chambers have stated that HEA reauthorization will be a priority in their respective committees.

For more information about education policy under the Trump Administration and the 115th Congress, please contact Alex Hayes with Michael Best Strategies at 202-747-9564 or jahayes@michaelbeststrategies.com

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