Education and Workforce Policy Implications of the 2022 Election

November 11, 2022

Initial Insights

- Congress will once again be very closely divided in 2023-24 leaving little room for dissent within the parties on major education (and other) policy and spending decisions, forcing Senate, House, and committee leaders to constantly count votes within their respective caucuses. Narrow majorities and divided government will require bipartisanship to pass key education and workforce initiatives.

- Republican House control during the next congress (expected but not final) will produce significantly greater education policy and spending oversight hearings, including possible proceedings targeting the Biden Administration's postsecondary loan forgiveness initiative and the size, necessity of, and implementation of the American Rescue Plan Act's Elementary and Secondary School Emergency Relief and other pandemic aid.

- Republican underperformance in House races may make it harder for Rep. Kevin McCarthy (R-CA) to secure the votes required to become Speaker of the House. Rep. McCarthy may need to make concessions to conservatives in the caucus seeking senior committee posts, which could in turn make it harder for McCarthy to grant Rep. Virginia Foxx (R-NC) the waiver she needs to lead the education committee. Republican leadership elections are currently scheduled for 11/15.

- Voters strongly favored state education ballot initiatives. Voters approved measures to provide new dedicated early childhood funding (NM); to emphasize K-12 art and music programs (CA); to provide new school meal funding (CO); and to provide new K-12 and post-secondary bond authority (NM, RI). Voters rejected a proposal to subject State Board of Education regulations to legislative review and approval (WV). A proposal to extend post-secondary financial aid regardless of a student's immigration status (AZ) appears poised for approval but the final vote count is not yet complete.

- Red states continued to favor Republican chief state school officers. Although final vote counts are not settled in some states, Republicans won or are winning six chief state school officers' races (ID, WY, OK, GA, SC, and AZ) and Democrats won one race (CA). Of the seven states with governor races where the executive chooses the chief state school officer Republicans won five races (ND, IA, TN, NH, and UT) and Democrats won two races (PA, ME).

Senate

Control of the U.S. Senate remains unsettled with Republicans winning 19 seats, and Democrats winning 12 seats, including flipping Pennsylvania. 3 races are still undecided: Arizona and Nevada are too close to call and Georgia is headed for a runoff (All results are as of November 11). The Senate's partisan composition for the 118th Congress presently stands as follows:

49 Republicans	3 Undecided	Democrats 48

The Senate is a continuous legislative body so organizing the chamber, including assigning members to the Health, Education, Labor, and Pensions Committee ("HELP") and Labor, HHS, Education, and Related Agencies Appropriations Subcommittee ("Labor-H") will begin before the end of the year. Given that party control of the Senate remains uncertain, however, finalizing the Senate's organization for the next congress may be delayed until December if an expected runoff Senate election in Georgia proves decisive to Senate control (contingent on the pending Senate race outcomes in Nevada and Arizona). Regardless of the outcome of the undecided Senate races, however, we already know the body's policy and spending committees will be very closely divided because the percentage of a party's representation within the Senate determines the percentage of seats it receives on each committee.

Party leaders' first and most significant education policy decision for the 118th Congress will be selecting the chair and ranking members of the HELP Committee and the Labor-H Appropriations Subcommittee. Committee chairs are the primary decision makers about their committee's policy, oversight, and spending priorities. If Senate control remains with the Democrats, we expect Sen. Bernie Sanders (D-VT) to chair the HELP Committee. Senator Sanders would likely focus the committee's work on higher education access and affordability and K-12 learning recovery. If Republicans win Senate control, we expect Sen. Rand Paul (R-KY) or Sen. Bill Cassidy (R-LA) to lead the committee. Sen. Paul would likely pursue a very aggressive oversight agenda focused on the education components of the American Rescue Plan Act (ARPA), K-12 parents' rights, and the White House's loan forgiveness initiative. Sen. Cassidy would also likely focus on ARPA and other oversight as well as K-12 parents' rights but would likely use a more conventional approach, while also pursuing his longstanding interest in literacy policy, with a focus on dyslexia. (See p.4 for more about the party's possible ed policy priorities.) It is still unclear which Senators will lead the Labor-H Appropriations Subcommittee, but we expect two education supporters, Susan Collins (R-ME) and Patty Murray (D-WA) will lead the full Appropriations Committee.

House

Republicans appear to be on track to win narrow control of the House. They need to win 7 of the 30 races that remain undecided. The House's partisan composition for the 118th Congress presently stands as follows:

211 Republicans	30 Undecided	Democrats 194

The Republican House leadership election is currently scheduled for mid-November. We expect Rep. Kevin McCarthy (R-CA) to become Speaker and Steve Scalise (R-LA) to serve as Majority Leader, however, the smaller than expected Republican majority may make it more difficult for McCarthy to secure the votes he needs to ascend to the House's top post. The House Democratic Caucus may be led by Rep. Hakeem Jefferies (D-NY), given Rep. Pelosi's expected retirement if Democrats are in the minority. Following the leadership elections, House leaders will, like the Senate, focus on naming committee leaders. Rep. Virginia Foxx (R-NC) hopes to serve as the Education and Labor Committee's chair but will need a waiver from Republican leaders to serve in that capacity, which may be harder to secure from Rep. McCarthy given that he may need to appease conservative members of his caucus with plum posts to become Speaker. If she becomes chair, Rep. Foxx has said she will prioritize reauthorization of the Higher Education Act and the Workforce Innovation and Opportunity Act. Rep. Tim Walberg (R-MI) is also rumored to be among possible other successors to Rep. Foxx for the E&L Committee's top Republican post should she be unable to secure a waiver. During his tenure on the committee, Rep. Walberg has focused on Career and Technical Education and workforce development policy. Under Foxx's or Walberg's leadership, we expect the committee will, like a Republican led Senate HELP Committee, focus on parents' rights and oversight of the Biden Administration. We expect that Rep. Bobby Scott (D-VA) will remain as the committee's top Democrat. We anticipate Rep. Scott to continue his recent focus on learning recovery and supporting the White House's loan forgiveness initiative.
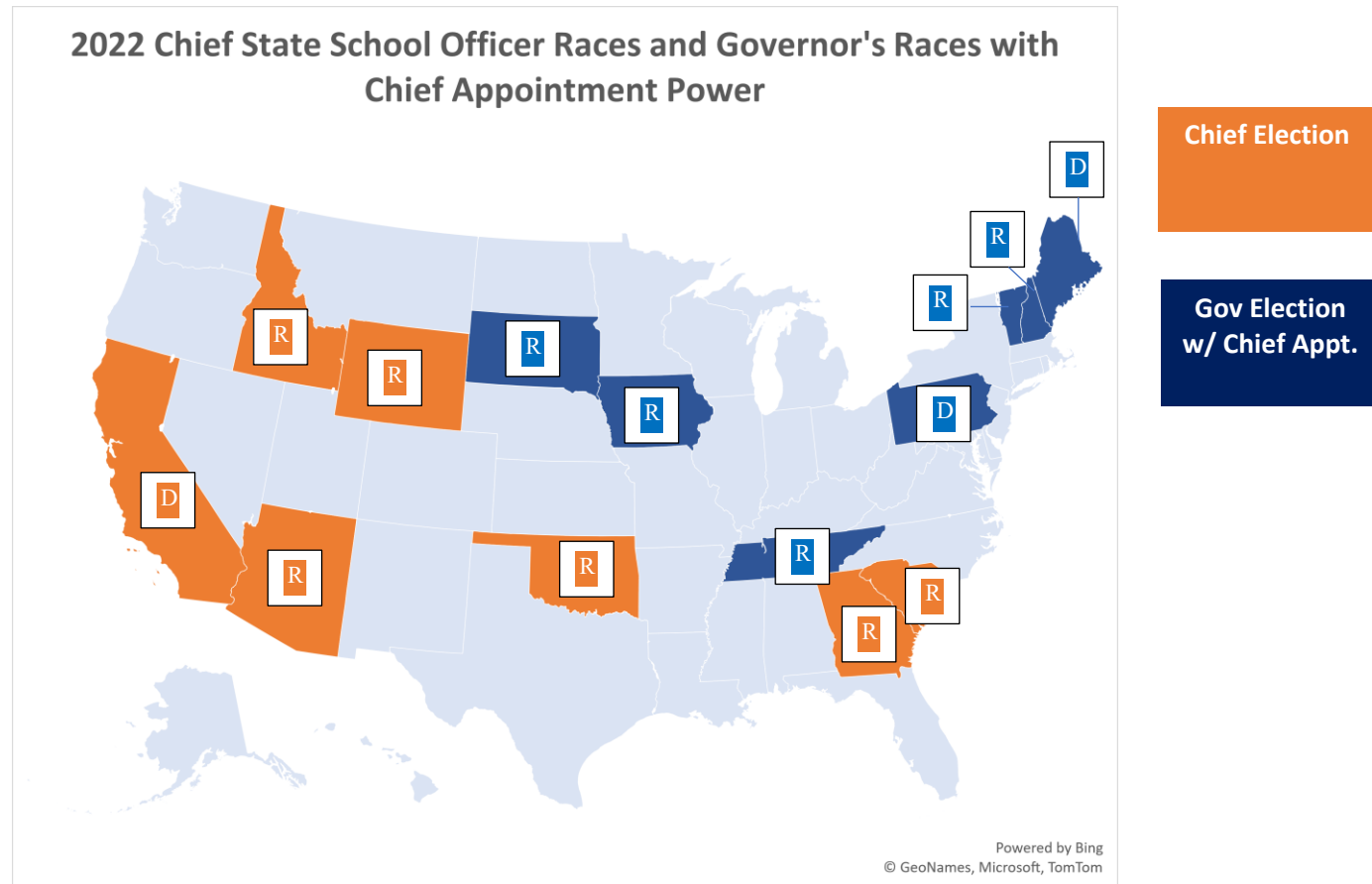
It is still unclear which Representative will lead the House Labor-H Appropriations Subcommittee, but it is likely that the top full Appropriations Committee Republican will be Kay Granger (R-TX) and the top Democrat will be Rep. DeLauro (D-0CT).

EXPECTED EDUCATION AND WORKFORCE POLICY PRIORITIES DURING THE 118TH CONGRESS

REPUBLICAN		
	Parents Bill of Rights	Ensuring parent access to curriculum, library, and other materials; required educator meetings with parents; parent consent over medical and mental health screenings, and more.
	Higher Education Act Reauthorization	Examining White House loan forgiveness initiative and related oversight, responding to campus sexual misconduct, and comprehensively updating the HEA.
	American Rescue Plan Act Oversight	Examining the necessity of ARPA ESSER funding; highlighting the negative impact of school closures; other general oversight.
TOP BIPARTISAN OPPORTUNITY	**Workforce**	Reauthorizing the Workforce Innovation and Opportunities Act and the National Apprenticeship Act.
DEMOCRATIC	**Early Childhood Education and Care**	Expanding access to high quality childcare, universal pre-K, and strengthening the early childhood workforce.
	Learning Recovery	Conducting ARPA oversight and championing additional strategies to support learning recovery.
	Higher Education Access and Affordability	Supporting White House loan forgiveness initiative, and other strategies for expanding affordable postsecondary access.

Chief State School Officers

Seven states held chief state school officer races in 2022. Although final vote counts are not settled in some places, Republicans won or are winning six of the chief state school officers' races (ID, WY, OK, GA, SC, and AZ) and Democrats won one of the races (CA). Of the seven states with governor races where the executive chooses the chief state school officer, Republicans won five races (ND, IA, TN, NH, and UT) and Democrats won two races (PA, ME).

2022 Chief State School Officer Races and Governor's Races with Chief Appointment Power

State Education Ballot Initiatives

Voters strongly supported ballot initiatives designed to increase investments in preschool through higher education. Ballot initiatives focused on funding for early childhood education, arts education, school nutrition programs, education bond authority and more were approved by wide margins.

Early Childhood

- New Mexico Constitutional Amendment 1, Land Grant Permanent Fund Distribution for Early Childhood Education Amendment (2022) APPROVED (70.2% to 29.8%)

Elementary and Secondary

- California Proposition 28, Art and Music K-12 Education Funding Initiative (2022) APPROVED (61.5% to 38.5%)

- Colorado Income Tax Deduction Caps to Fund School Meals Program Measure Proposition (2022) APPROVED (55.1% to 44.8%)

- Idaho Advisory Ballot, Income and Corporate Tax Changes and Education Funding Question (2022) APPROVED (79.8% to 20.2%)

- Massachusetts Question 1, Tax on Income Above $1 Million for Education and Transportation Amendment (2022) APPROVED (51.9% to 48.1%)

- New Mexico Bond Question 3, Public Education Bond Issue (2022) APPROVED (61.2% to 38.8%)

- Rhode Island Question 2, Public School Buildings Bond Measure (2022) APPROVED (73.2% to 26.8%)

- West Virginia Amendment 4, Legislative Approval of the State Board of Education Rules Measure (2022) REJECTED (57.9% to 42.1%)

Post-Secondary

- Arizona, In-State Tuition for Non-Citizen Residents Measure Proposition 308 APPROVED (50.8% to 49.2%) (66% reporting)

- Rhode Island Question 1, University Narragansett Bay Campus Bond Measure (2022) APPROVED (57.8% to 42.2%)

Conclusion

Key 2022 races remain inconclusive at the federal and state level, but most will be decided in the next few days. Vitally important races that may alter the balance of power in Washington, D.C., such as the AZ, NV, and Georgia Senate races, may take significantly longer to conclude. Foresight will periodically update this summary document to account for key races as they are completed, including updating our analysis to reflect federal and state election outcomes that may alter likely education priorities and discussion in 2023 and beyond. For further information, please contact Foresight Reg Leichty (Reg.Leichty@FLPAdvisors.com), Alex Perry (Alex.Perry@FLPAdvisors.com), or Steve Voytek (Steve.Voytek@FLPAdvisors.com).