

**The 2024 Federal Elections:
An Outlook for Education Policy
November 18, 2024**

The 2024 elections resulted in the election of Donald Trump as President and a Republican sweep of Congress. This trifecta is likely to have profound implications for education policy and equity. This memorandum provides an initial analysis of these implications for education, including key risks and opportunities for early childhood, K-12, higher education, R&D, and civil rights. We will update our analysis over time as circumstances develop.

Summary

Based on actions in the first Trump Administration and more recent campaign promises and statements, the second Trump Administration is likely to pursue several major education policy goals by both (1) *leveraging* federal education laws and (2) simultaneously seeking to *dismantle* them. This likely includes:

1. **Redirecting and reducing the federal role in education** (such as by reclassifying civil servants with significant policy roles as at-will employees, establishing new secretarial grant priorities, and/or reducing or eliminating the U.S. Department of Education (USED));
2. **Increasing public funding for private schools including religious schools and reducing funding for public education** (such as through federal tax credits for private education vouchers or cuts to core federal education programs);
3. **Shifting federal civil rights laws and enforcement** from a focus on defending and advancing the rights of marginalized students to eliminating Diversity, Equity, and Inclusion (DEI) programs; reversing rights for LGBTQ students; and challenging access and diversity efforts more broadly (such as through compliance reviews and litigation); and
4. **Pressuring higher education institutions** through accreditation and other mechanisms related to student aid eligibility (with regard to DEI, gender equity, response to antisemitism, etc.) and reversing course on policies including loan repayment, debt relief, Gainful Employment, Borrower Defense, and more.

Some of these priorities can be advanced by the Trump Administration on Day One through administrative actions, such as Executive Orders, compliance reviews, and the launch of regulatory rollbacks. Others will require congressional action but can be done with Republican-only support, through budget reconciliation or the Congressional Review Act, which (along with Senate confirmations of Trump appointees) are not subject to Senate filibuster and require only 50 votes. Still other actions, like eliminating federal programs or significant reductions in annual appropriations, should require 60 votes in the Senate and may be less likely, though this depends on decisions of the Senate parliamentarian regarding the budget reconciliation process and on the Senate maintaining the filibuster.

Although many of these policy priorities were present to some extent during the first Trump Administration, where there was also a Republican trifecta for two years. The context today is likely far different for several reasons: The Republican party is now much more aligned around the President-elect's agenda; Trump-aligned groups have been planning for this outcome and have policies and strategies ready;

IN THIS ANALYSIS:

- [Summary](#)
- [Presidential Transition](#)
- [Congressional Outlook](#)
- [Early Childhood Education](#)
- [K-12 Education](#)
- [Higher Education](#)
- [Research & Development](#)
- [Civil Rights and Legal Actions](#)

there is a Trump transition team at work in policy planning, agency review, and personnel; there are Trump appointees ready to enter the government and less likely to tolerate dissent (including among Members of Congress, weakening that mechanism to moderate the Administration's agenda); and the incoming Administration is much more likely to understand the authorities and mechanisms at its disposal. All of this means that we are likely to see faster, bolder action in a new Trump Administration and Congress. There could also be significant action in opposition through a variety of means, including policy, legal, advocacy, mobilization, communications, and more. But the capacity for these opposition efforts is uncertain.

Finally, there remain some areas for bipartisan federal action on education policy that could advance, such as support for child care, the science of reading, career pathways, Artificial Intelligence (AI), Research & Development (R&D), and more.

PRESIDENTIAL TRANSITION

Unlike in 2016 when there was little if any Trump Administration transition process, President-elect Trump's transition team is at work on policy development, agency review, and identification of political appointees – as demonstrated by Trump's very early identification of top cabinet nominees. The Trump transition team will also begin work on a FY2026 budget request, which will likely include significant proposed reductions in or redesign of key education and other social service programs.

Key Takeaways

- **Republican Trifecta.** With President-elect Trump's victory in all seven battleground states, Republicans flipping control of the Senate, and continued Republican control of the House, the second Trump Administration will point to a "mandate" for the Republican agenda. Republicans are expected to be committed to delivering President-elect Trump's agenda, particularly in the early days.
- **Weakened Influence of Moderate Republicans in the Senate.** With Senate control likely at 53-47, there will be less ability for more moderate Senate Republicans, such as Senators Lisa Murkowski (R-AK) and Susan Collins (R-ME), to have influence, particularly where Senate passage requires only 50 votes, such as judicial and political nominations, budget reconciliation legislation, and Congressional Review Act (CRA) resolutions.
- **Second Trump Administration Prepared to Advance Its Agenda.** The second Trump Administration is preparing to operationalize its "year-five" agenda in a way that was not present in its first term. With the President-elect being term-limited (and having only two years to cement his legacy with a likely trifecta and before the presidential race kicks off for 2028), the Administration will likely be emboldened to move quickly and take controversial actions that will play out over a longer-timeline with challenges in courts.
- **Congress to Focus Early on a Tax Package.** The first year of the new Administration and Congress will likely focus significantly on taxes and passing budget reconciliation bills (as many as three are possible in 2025), which require only a simple majority to pass and offer an immediate vehicle to extend expiring tax provisions in the Tax Cuts and Jobs Act of 2017. This could also be a policy lever to reduce student aid and advance a Republican school choice agenda by including proposals such as the [Educational Choice for Children Act](#) as part of a budget reconciliation package.
- **Bipartisan Policies Less Likely But Could Advance.** Annual appropriations bills and legislation outside the budget reconciliation process still require 60 votes to pass the Senate, as long as the filibuster is maintained. This could present a backstop to some spending cuts and create an opening to make progress on legislative priorities where there has been bipartisan support, such as workforce development, career and technical education, and early care and education, among other areas.

One of President-elect Trump's most concrete policy priorities is closing USED and moving education back to the states. While this would be challenging to accomplish in absolute terms since 60 votes would be required for congressional approval in the Senate (unless a proposal is allowed to advance as part of a budget reconciliation package or the Senate eliminates the filibuster), the Trump Administration could instead limit the power of USED, such as by not filling positions or transferring personnel or offices where authority exists.¹ Alternatively, the new Administration could significantly redirect USED to advance its policy goals, such as by reclassifying career staff in policy positions to at-will employees reporting to political appointees, shifting the role and focus of the Office for Civil Rights (OCR), or establishing new secretarial priorities for federal competitive grant programs.

While Trump has not announced a nominee for Secretary of Education, selections to-date suggest that Trump will choose a loyalist deeply committed to following through on his agenda, and it will be significant to see whether the nominee brings any other clear agenda or interests in the education space.² One could speculate how the recent nomination of Robert F. Kennedy, Jr. for Secretary of Health and Human Services (if confirmed by the Senate) could impact many issues affecting children and families, such as school vaccine requirements (though those are mainly set at the state level). President-elect Trump also [announced](#) recently that Elon Musk and Vivek Ramaswamy will lead a new "Department of Government Efficiency" during his second Administration. In announcing the proposal for this new commission, President-elect Trump said Musk and Ramaswamy "will pave the way for my Administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies." As both Musk and Ramaswamy have expressed agreement with President-elect Trump on the need to eliminate USED, the commission could call for an end to the agency as a pillar of reducing government bureaucracy.

Finally, President-elect Trump will likely take several actions relevant to education policy on his first day in office, including through Executive Orders, such as repealing President Biden's Executive Order advancing racial equity across the federal government and reestablishing an Executive Order prohibiting DEI in the federal government and its contractors (which could apply to colleges and universities among other relevant organizations).

¹ In 2023, Representative Thomas Massie (R-KY) offered an amendment to eliminate USED, which was defeated by a vote of 161-265, garnering opposition from 60 House Republicans, but this was prior to President-elect Trump's win.

² While speculation has begun as to who may be nominated to serve as the U.S. Secretary of Education (please see articles by [Politico](#) and [EducationWeek](#)), President-elect Trump is likely to appoint an Education Secretary who supports school choice (as he did in his first Administration), reducing funding for federal education programs, seeking to counter DEI programs, and slimming down or dismantling USED. The selection of Secretary may also be an early signal as to the education priorities that a second Trump Administration intends to focus on in the first 100 days of a new Administration. For instance, Ryan Walters, who is Oklahoma State Superintendent of Public Education, has advocated for prayer in schools and supported the establishment of the nation's first religious charter school (which has been blocked by the courts for now), while Virginia Governor Glenn Youngkin has been a leading voice for parental rights in education. Rather than speculate on a selection, what is clear is that the nominee for Secretary of Education is going to be at the helm of an agency poised for significant changes.

CONGRESSIONAL OUTLOOK

US Senate

With Republicans taking control in the Senate, there will be new Republican leadership of the chamber. Senator John Thune (R-SD) –will replace Senator Mitch McConnell (R-KY) as the Senate Majority Leader. After being elected to serve as Majority Leader for the 119th Congress, Senator Thune – who, at times, has been [critical](#) of President-elect Trump – issued a statement emphasizing, “This Republican team is united behind President Trump’s agenda, and our work starts today.” Senator Thune has been part of Senate leadership for some time and has previously stated his support for maintaining the filibuster.

Senate Health, Education, Labor, and Pensions (HELP) Committee

Senator Bill Cassidy (R-LA) will be the Chair for the Senate HELP Committee. Senator Sanders (I-VT) is likely to be the Ranking Member. Senator Cassidy has been willing to cross the aisle, for example, as a lead sponsor of the bipartisan College Transparency Act, which aims to improve access to post-secondary data on student outcomes. However, he is also a lead sponsor of the Educational Choice for Children Act, which would provide tax incentives for individuals and businesses to fund scholarship awards for students to cover expenses related to K-12 public and private education. While the Senate Finance Committee has jurisdiction over that bill, it is widely viewed as having the potential to be included as part of a budget reconciliation package. Given that Senator Cassidy has expressed [frustration](#) that the Committee has not held more hearings on issues facing the “broken” K-12 and higher education systems, one change may be more Committee hearings in the next Congress, including on literacy and dyslexia, which are key priorities for Cassidy.

Additionally, Republicans will have at least two new members on the Committee with the retirements of Senator Mitt Romney (R-UT) and election of Senator Mike Braun (R-IN) to serve as Governor of Indiana, while Democrats will have one vacant seat due to the likely loss of Senator Robert Casey (D-PA). Given that Republicans will have a larger margin of control of the Senate, it is possible that Democrats could also lose a seat on the Committee.

Senate Appropriations Committee

Senator Susan Collins (R-ME) is likely to be the Chair of the Senate Appropriations Committee, while Senator Patty Murray (D-WA) is likely to be the Ranking Member. Senators Collins and Murray are widely known for their willingness to work together in a bipartisan manner, including for many years on education issues as both are also members of the Senate HELP Committee. However, this could prove more challenging in the next Congress should Republicans seek to reduce federal funding overall, and in particular, for key education programs. Regarding the Senate Labor, Health and Human Services, Education, and Related Agencies Appropriations Subcommittee, Senator Shelley Moore Capito (R-WV) is likely to Chair and Tammy Baldwin (D-WI) is likely to be the Ranking Member of the Subcommittee.³

³ The Senate Labor/HHS Appropriations Subcommittee could also potentially include two new members – one on each side of the aisle – with the retirement of Senator Joe Manchin (I-WV) and Senator Marco Rubio (R-FL) being nominated to serve as the Secretary of State for the Trump Administration.

US House of Representatives

Speaker of the House Mike Johnson (R-LA), who was unanimously selected to lead the House Republican Conference in the 119th Congress, is making clear that the Republican members of the House are “unified and energized and ready to go” with regard to President-elect Trump’s agenda, [saying](#), “We have to deliver for the American people beginning on day one in the new Congress, and we will be ready for that.” On education, Speaker Johnson has [said](#) Republicans “want an end to the wokeness and the radical gender ideology and a return to common sense in our children’s classrooms and corporate boardrooms and government agencies.” When asked about plans to eliminate USED, Speaker Johnson responded, “We’re not going to get into any details about any specifics with regard to reforms and specific departments...There’s lots of ideas on the table, but we’ve got to... work in coordination with the Trump Administration on the order of the reforms and how we do it.”

House Education and the Workforce Committee

Representative Virginia Foxx (R-NC), who currently Chairs the Education and the Workforce Committee and has been a driving force in elevating and advancing the Republican education agenda in the House, is not seeking a waiver to continue to lead the Committee as she did in the 118th Congress, so there will be a new Committee Chair. Representative Bobby Scott (D-VA) is likely to be the Ranking Member of the Committee.

The Republican race to lead the Committee is currently between Representative Tim Walberg (R-MI) and Representative Burgess Owens (R-UT). Both candidates have expressed support for school choice with Representative Owens being one of the lead cosponsors of the Educational Choice for Children Act, which recently passed the House Ways and Means Committee. Regarding their higher education and workforce priorities, Representative Walberg would seek to increase apprenticeships, fund short-term Pell Grants for workforce training programs, and reauthorize the Workforce Innovation and Opportunity Act (WIOA), while Representative Owens has been a vocal opponent of DEI initiatives at institutions of higher education. The House recently passed the End Woke Higher Education Act, which included the Accreditation for College Excellence (ACE) Act, introduced by Representative Owens. The legislation amends the Higher Education Act of 1965 to limit the ability of accrediting agencies and associations to link federal funding to an institution’s political or ideological beliefs.⁴

House Appropriations Committee

Representative Tom Cole (R-OK) is likely to continue as the Chair of the House Appropriations Committee, while Representative Rosa DeLauro (D-CT) is likely to continue as the Ranking Member. As Chairman Cole has served as a past Chairman of the House Labor/HHS Appropriations Subcommittee, he has a strong working relationship with Ranking Member DeLauro. His education priorities have included funding for early care and education programs, TRIO and GEAR UP programs (which are primarily aimed at providing supports to first-generation college students), and federal programs for Native American communities.

⁴ Among current members of the Committee, at least four Republican members will not be returning, including Representative Elise Stefanik (R-NY) who President-elect Trump has nominated to serve as Ambassador to the United Nations. The election races of two Republican Committee members – Representatives Michelle Steel (R-CA) and Lori Chavez-DeRemer – also have yet to be decided. Additionally, there is typically turnover on the Republican side of the aisle among freshman members that are re-elected and seek other committee assignments. Among current members of the Committee, four Democrats, or 20%, of Committee Democrats will not be returning.

However, Chairman Cole will be constrained in the next Congress to fund programs within expected tight funding caps to be set by a Republican-led Congress. Additionally, Robert Aderholt (R-AL) is likely to continue to be the Chair of the House Labor/HHS Appropriations Subcommittee and Rosa DeLauro (D-CT) is likely to continue to be the Ranking Member. Subcommittee Chairman Aderholt is among the conservative members of the House Appropriations Committee, expressing support for reductions in federal spending, including significant cuts to Title I funding for disadvantaged children. He has also prioritized funding for early care and education in recent House Labor/HHS Appropriations bills.⁵

Lame Duck Agenda

The 118th Congress must complete unfinished business before a new Congress will be sworn in on January 3, 2025. Top of the agenda is the need to complete work on a full-year appropriations bill for fiscal year (FY) 2025 or to extend funding for the federal government (via a continuing resolution (CR)), which will expire on December 20. Earlier this year, Speaker Johnson proposed extending federal funding into March 2025, while House Appropriations Chair Cole expressed a preference for passing a full-year appropriations bill to clear the decks for a second Trump Administration to be able to focus on advancing its agenda in the new Congress. The decision of how to wrap up FY25 appropriations bills will be one of the first impacted by the President-elect, as Republican members have indicated they will defer the decision to the incoming President.

Beyond work on appropriations, the Senate is likely to spend considerable time during the lame duck session working to confirm judicial nominees of the Biden Administration – which only requires 50 votes – before Republicans take control of the Senate and presidency. If judicial nominees are not confirmed during the lame duck session, President-elect Trump will have the opportunity to nominate more conservative nominees, which he made a priority in his first Administration. Another “must do” legislative item related to education interests for the lame duck session is an extension of the Farm Bill, which includes funding for the Supplemental Nutrition Assistance Program (SNAP), land-grant institutions, including Historically Black Colleges and Universities (HBCUs), and broadband access, among other programs. While there may be a push to pass legislation that would reauthorize the Workforce Innovation and Opportunity Act (WIOA), provide funding for short-term Pell Grants for workforce training programs, and reauthorize the Education Sciences Reform Act (ESRA), these bills seem likely to stall given the crowded agenda. It is more likely that work will need to begin again on these efforts in the new Congress.

Early Actions in the New Congress

The 119th Congress will be sworn in on January 3, 2025. With Republican control of Congress and the presidency, Congress is likely to move quickly on Presidential nominations and take early advantage of two key tools that can be utilized for maximum leverage to advance the Republican agenda: (1) the budget reconciliation process and (2) the Congressional Review Act (CRA). The budget reconciliation process – which could be used to pass up to three reconciliation bills next year – allows Republicans in the Senate to pass legislation with only 50 votes rather than the traditional 60 votes needed to overcome the filibuster. While the provisions of budget reconciliation legislation must have a budgetary impact on revenues, spending (typically, mandatory spending, also known as spending on entitlements, like Medicaid, Medicare, or SNAP) or the federal debt limit, the Republicans may seek to advance as many priorities as possible under this authority. To start, a unified Republican Congress is likely to use the tool

⁵ The House Labor/HHS Appropriations Subcommittee will likely include at least two new members – one for each side of the aisle – with the retirement of Republican Jake LaTurner (R-KS) and Democrat Barbara Lee (D-CA).

to extend the tax provisions included in the Tax Cuts of Jobs Act of 2017. Additionally, there would be an opportunity to add new tax incentives, including the Educational Choice for Children Act and the expansion of Education Savings Accounts, among other options, as part of the Republican school choice agenda.

A unified Republican government may also seek to use the CRA, an oversight tool that allows Congress for a limited time to review final rules issued by federal agencies. The CRA would provide a Republican Congress the opportunity to repeal recent regulations finalized by the Biden Administration with only a 50-vote requirement to pass the Senate, which would then likely be signed by the President-elect. The Congressional Research Service estimates that “Biden Administration rules submitted to the House or Senate on or after August 1, 2024, until the end of the second session of the 118th Congress, are currently likely to be subject to the CRA.” For instance, on August 21, 2024, the Biden Administration finalized regulations related to Head Start (see more [below](#)).⁶

KEY EDUCATION IMPLICATIONS OF THE 2024 ELECTION

Early Care and Education

The incoming Trump Administration and Congress will bring potential shifts in child and family-related policies, including both opportunities and risks. There is a likelihood of increased financial support for families, seen in potential expansions of the Child Tax Credit (CTC) and funding boosts for the Child Care & Development Block Grant (CCDBG) program. However, other key programs face proposed reductions in funding, and regulatory changes could occur, with possible rollbacks of Biden-era policies like those impacting Head Start and child care provider requirements. These changes could signal a shift towards greater flexibility for states and providers but also raise concerns about access and quality, particularly for vulnerable populations. Overall, the incoming Administration and Congress seem poised to reshape the landscape of child care and family benefits, with a focus on funding and a reduced federal role. Possible actions include:

- **Expanded Tax Provisions for Children and Families.** Congress may advance an increase in the Child Tax Credit (CTC), based on J.D. Vance’s interest in a \$5,000 tax credit and pronouncements from the President-elect on the improvements he made to CTC previously. There may also be an effort to make improvements to the Child and Dependent Care Tax Credit, Dependent Care Assistance Program, and the employer-sponsored child tax credit (45F), given bipartisan interest reflected in recently introduced legislation in both houses of Congress.
- **Increased Funding for Child Care and other Legislative Changes.** Congress may seek to increase funding for CCDBG. The largest percentage increase the program ever achieved occurred during the Trump Administration, when Republicans held control over both houses of Congress. Congress may also attempt to pass a rider in its annual spending bill to vitiate a provision in the recently promulgated child care rule that requires states to provide contracts and grants to promote certain types of care (e.g., care for those in underserved areas and children with disabilities and delays. It is also possible that Congress may seek to reauthorize the Child Care & Development Block Grant (CCDBG). Senator Deb Fisher (R-NE) recently introduced a reauthorization proposal, joined by several other Republican Senators.

⁶ The Environmental Protection Agency also issued a final rule on October 8, 2024, requiring the replacement of lead pipes in ten years. The rule was released alongside an announcement of new funding for the identification and remediation of lead in drinking water in childcare facilities and public schools.

- **Regulatory Uncertainty and Possible Funding Cuts to Head Start.** Congress may attempt to overturn the recently promulgated Head Start regulation through the CRA. The rule requires programs to bring teacher and staff salaries to parity with those earned by public preschool teachers, among other provisions. House and Senate Republicans have opposed this rule. There may also be funding cuts to Head Start, though its elimination is unlikely given the pronounced impact that Head Start has in rural communities. Note that without funding increases, HHS is not required to implement the new Head Start rule increasing teacher and staff pay. The final rule included a provision stating that if the annual average of Head Start appropriations increases is less than 1.3% by 2028, the Secretary may establish a waiver for the final rule's wage requirements, to mitigate slot loss.
- **Enforcement and Regulatory Rollback for Child Care.** In 2023, HHS issued a legal interpretation of CCDBG stating that to provide equal access to child care for subsidized families compared to non-subsidized families, states must provide reimbursement of at least 50% of the market rate. The Trump Administration proposed, but did not finalize, a similar interpretation stating the equal access requirement was met if reimbursement matched 25% of the market rate. The incoming administration may seek to revisit its interpretation and roll back the Biden Administration enforcement action. It is also possible that the incoming Administration will not enforce the requirement that large semiconductor companies receiving CHIPS & Science Act funding provide safe, reliable, and affordable child care to their workers, as Commerce only asked applicants for their *plans* on how they would extend child care to employees, and the quality of those plans was subject to negotiation between the agency and the applicant through the procurement process. Further, HHS may invite waivers from states seeking flexibility from requirements in CCDBG. Currently, states can seek a waiver from any requirement under the law, except those relating to eligibility. The pandemic saw nearly every state pursue and receive these waivers, and it is possible that the incoming Administration may work to advance deregulation through this process (such as waiving requirements relating to health and safety that states may find onerous, and some would argue stifle supply). HHS could also invite waivers from the statutory requirement that child care providers cannot be related to all children for whom they provide care. This would allow HHS to provide reimbursements to stay-at-home parents or grandparents, which is currently precluded.

K-12 Education

The new Administration and Congress are likely to increase pressure and action in several key areas, including support for privatization, push back on diversity and equity, and a reduced federal role in K-12 education. Efforts to expand private school choice could include expanded voucher programs, either through tax incentives, competitive programs, or even changes to Title I funds to allow them to be used for private school education. A larger agreement to extend the 2017 tax cuts, could serve as vehicles to enact some of these proposals. The new Administration will likely expand focus on culture war issues and seek to curtail diversity and equity programs through various means. While some of these issues can be advanced through executive action, others will require congressional support. Specific policy issues include:

- **A Push for Privatization through the Budget Process.** Congress could use the reconciliation process to support expansion of Education Savings Accounts and tax credits to support school choice. This may include elements of the Educational Choice for Children Act – which was

introduced in the Senate by Senator Bill Cassidy (R-LA), the incoming Chairman of the Senate Health, Education, Labor, and Pensions Committee, and approved by the House Ways and Means Committee on a party-line vote in September. The bill would provide tax credits for contributions to nonprofit organizations that provide education scholarships to K-12 students. Additionally, there could be proposals to block grant or voucherize Title I or IDEA with no strings attached, vitiating requirements governing how those funds are distributed and used.

- **Significant Spending Eliminations, Reductions, or Redesigns.** The first Trump budget is likely to propose elimination of a range of K-12 education programs (e.g., Titles II and III), reductions to core programs such as Title I, and/or “redesigns” such as block grants to state or allowing portability of Title I funding to expand school choice options. Some reductions or program eliminations could be proposed in a budget reconciliation bill, which, as noted above, could pass the Senate with a majority vote. Annual appropriations bills, however, are less likely to include substantial eliminations and reductions due to the Senate filibuster requiring 60-votes (as long as that is maintained). A handful of education programs and priorities could see funding increases, including the federal charter school programs. Significant “redesigns” would also likely require 60 votes and be done via regular order.
- **Intensified Focus on “Culture War” Issues.** Culture wars related to education will likely continue to be elevated by both the Trump Administration and in Congress, including a push for parental rights in education, politicizing of DEI programs, threats to the education of undocumented students, and likely reversal of LGBTQ protections, with transgender students a particular focus. These could be pursued by USED through shifts in civil rights enforcement (discussed [below](#)) or through other mechanisms, such as new secretarial priorities for competitive grants or reviews of formula grants.
- **Potential Waivers to Education Requirements.** It is possible that USED could use waiver authority (or reductions in appropriations) to approve state requests to excuse key requirements in the Every Student Succeeds Act, such as those related to assessments and accountability, uses of funds for professional development or school safety, etc. though the law technically makes these waivers contingent on a showing of continued transparency and advancement of student achievement.

Higher Education

The second Trump Administration will likely focus significantly on higher education, including halting broad student loan cancellation and some income-based loan repayment programs, using executive authority to investigate institutions of higher education (IHEs), and rolling back the Biden Administration regulatory agenda, particularly around civil rights and consumer and taxpayer protections. The Administration will likely focus on expanding workforce-oriented programs and nontraditional providers, including the potential expansion of Pell Grants to cover short-term, job-focused programs. There will be significant pressure from the federal government to cease any DEI work, which will have implications for research funding, college operations, and other Departmental grants and programs. Potential actions include:

- **Regulatory Rollbacks Expected.** The Trump administration is expected to launch regulatory processes to roll back multiple Biden Administration regulations in higher education designed to protect students from predatory colleges and safeguard civil rights, including: Gainful Employment (GE) which created minimum performance requirements for vocational and proprietary programs; Borrower Defense (BD) which allowed for broader student loan discharges when students were

defrauded or misled by their institution; and amendments to Title IX policies concerning campus sexual assault and discrimination. Biden's SAVE repayment plan and broader loan forgiveness measures (which are already halted by federal court injunctions), are almost sure to be eliminated (more detail, below). Like in President-elect Trump's first term, the Administration may also seek to deregulate, providing additional flexibility to encourage new organizations to offer higher education programs and ease approval processes for new accrediting bodies. These changes create risk of expansion of low-quality programs and institutions that may leave students worse off.

- **Student Loan Cancellation and Forgiveness Policies Likely to Be Reversed.** Broad student loan cancellation and Saving on a Valuable Education (SAVE) Plan are currently halted by federal court injunctions, and Republican leadership and the Trump administration have committed to blocking broad cancellation initiatives. The new Administration may attempt to dismantle other administratively created income-based repayment plans, such as Pay-as-You-Earn (PAYE) and Revised Pay-as-You-Earn (REPAYE), which are already under judicial scrutiny with respect to Secretarial authority to cancel outstanding debt after 20 or 25 years of repayment. Programs created in statute, including Income-Based Repayment (IBR) and Public Service Loan Forgiveness (PSLF), are more secure but could face new changes through congressional action.
- **Administration Likely to Target Traditional Higher Education and Diversity, Equity, and Inclusion Efforts.** The Trump Administration and Republican lawmakers have openly criticized higher education institutions and DEI programming, and these efforts will likely face increased scrutiny and funding pressure. The Administration is expected to issue an Executive Order prohibiting DEI in federal agencies and contractors, mirroring similar actions from the first Trump term, which could lead to investigations by the DOJ and ED's Office for Civil Rights. Further, programs that prioritize or provide benefits based on race, such as the McNair Scholars Program and the non-HBCU or Tribal College Minority-Serving Institutions programs, may be reexamined or subjected to additional restrictions.
- **Potential to Use Accreditation to "Remake" Higher Education.** President-elect Trump and his allies have repeatedly referenced use of the accreditation system as a serious priority for higher education, to "remake" traditional higher education to be more focused on principles of "Western Civilization" and remove any focus on DEI. This could include challenging recognition of existing higher education accreditors in favor of new operators. The denial of recognition to existing accreditors would mean that thousands of institutions across the nation would need to find new accreditation or potentially lose access to federal financial aid for their students. Accreditors would likely push back on any such action, and there are both statutory and regulatory guidelines to which the Department must adhere when making these decisions, but legal action could take time and allow chilling effects to take hold. The effect of these actions would not be limited to "elite" higher education and would be broadly disruptive to the entire enterprise.
- **Higher Education Likely to be Impacted by New Tax Laws.** Reauthorization of the Tax Cuts and Jobs Act is a likely early focus in the new Congress, and it could include tax provisions directly affecting higher education institutions and students. A primary focus may be increasing the endowment tax on colleges and universities, potentially expanding it to cover a broader range of institutions with significant financial resources. Changes to tuition tax credits are also on the table, which could impact the tax benefits currently available to students and families. Additional adjustments to 529 college savings plans, such as expanded use for non-degree programs or other

education-related expenses, may be considered. The expiration of non-taxability for some forms of student debt forgiveness, particularly outside PSLF program, is also a possibility.

- **Downward Pressure on Federal Funding in Higher Education.** Federal domestic discretionary funding is likely to face downward pressure, with the potential for significant cuts to education programs. The Pell Grant program, which serves as a cornerstone of financial aid for low-income students, may experience a funding shortfall, which could force appropriators to make difficult choices, including potential reductions to Pell Grant amounts or limits on eligibility, which would disproportionately impact low-income students. Cuts to other discretionary programs, such as TRIO, GEAR Up or Postsecondary Student Success Grants, could similarly affect resources that support college access and completion, particularly for underserved populations.
- **Possible Legislative Changes in a Unified Republican Congress.** Legislative action in the House and Senate could bring substantial changes to higher education policy, with multiple proposals in play. House Education Committee Chairwoman Virginia Foxx’s College Cost Reduction Act (CCRA) passed out of committee on a party-line vote and could see a House floor vote during the lame-duck session, setting a baseline for negotiations in the next Congress. The CCRA includes extensive measures to reduce federal spending on student loans, potentially eliminating President Biden’s SAVE and loan cancellation rules, imposing caps on graduate lending, and introducing risk-sharing requirements for colleges, which would force institutions to bear some responsibility for student loan nonpayment and could create disincentives to enroll students from marginalized groups that face labor market disadvantages. In the Senate, Senator Bill Cassidy could have interest in advancing a comprehensive reauthorization of the Higher Education Act (HEA), incorporating bills he has advanced with accountability measures, simplified repayment options, and transparency initiatives.
- **Data Transparency Remains a Possible Area of Compromise.** Data transparency provisions are one area of Biden Administration policy that may see continuity under the new Administration, which could build on transparency initiatives that progressed during the first Trump term. Rep. Foxx’s CCRA includes provisions on reporting that are very similar to the Biden Administration’s Financial Value Transparency (FVT) regulations’ reporting requirements. This could signal the potential for the continuation of these metrics even if other regulations, like Gainful Employment, are reversed. Senator Cassidy’s support for the College Transparency Act (CTA), coupled with his likely leadership of the Senate HELP Committee, may bolster CTA’s prospects in the new Congress as part of his reauthorization proposal. House Committee leadership outcomes—particularly whether Walberg or Owens becomes chair—will influence the viability of data transparency.

Research and Development

As an issue area that has traditionally enjoyed bipartisan support, education research and development (R&D) could be an important exception to the recent trend toward partisan federal education policy action. There are of course also ways the Trump administration and Republicans in Congress could act to leverage education R&D to advance their policy priorities. Artificial Intelligence (AI), which cuts across issue areas, is included here as a related and emergent focus.

- **Possible Reauthorization of the Education Sciences Reform Act.** Education R&D could be improved through bipartisan legislation. Specifically, Congress could take up a new version of a bipartisan bill that passed out of the Senate HELP Committee last year, the Advancing Research in

Education Act (AREA). AREA sought to reauthorize the Education Sciences Reform Act (ESRA), the main law governing federal education R&D, including the Institute of Education Sciences (IES), the Regional Education Laboratories (RELs) and Comprehensive Centers programs, the National Assessment of Educational Progress (NAEP), and state longitudinal data systems. ESRA has not been reauthorized since it was enacted in 2003 and is thus long overdue for modernization. At the same time, likely downward pressure on spending could result in reductions in funding for R&D and other areas.

- **Key Decisions for the Institute of Education Sciences.** The incoming administration can influence education R&D via two potential moves at IES, the Department of Education’s quasi-independent R&D agency. First, assuming President Biden’s recent nomination of Adam Gamoran as Director for IES is not confirmed during the coming lame duck session of Congress (which is unlikely), President-elect Trump will have the opportunity to nominate his own candidate to lead IES for the next six years, as he did during his first term. That person’s approach could have far-reaching effects on education R&D. Second, as discussed above, it may be unlikely that USED will be eliminated. However, if President-elect Trump or Congress seek to move some of the Department’s offices and functions to other parts of the federal bureaucracy, one candidate could be moving IES to the National Science Foundation, which manages the largest education R&D budget across the federal government.
- **Advancing Policy Priorities through Federal Education R&D Grant Programs.** Existing education R&D grant programs provide a mechanism for any incoming Administration to advance its priorities. While designing a new competition, several decisions can influence who gets funded and for what type of research, such as absolute and competitive priorities and scoring criteria. The Trump Administration can advance its priorities through, for example, how they design the next round of USED’s Innovation and Research (EIR) program and a wide array of grant programs administered by IES.
- **Department of Education’s Internal Workings.** One area of uncertainty is how the incoming leaders of the Department of Education will approach several existing efforts to improve the internal operations of the Department in ways that advance evidence-based policy-making and continuous improvement in the agency and among its grantees. These efforts include still-nascent implementation of the Foundations of Evidence-Based Policymaking Act; last year’s update to the Office of Management and Budget’s uniform grants guidance; and the recent revisions to USED’s grant-making and grant-management regulations, the Education Department General Administrative Regulations (EDGAR). These are nonpartisan technical improvements, but it remains to be seen how much the incoming Administration will continue these efforts or seek to undo them.
- **Shifts in AI Policy and Focus.** Under a Trump Administration and Republican Congress, broad, comprehensive legislation to regulate or provide oversight for AI is less likely. They are also likely to limit or reverse the Biden Administration’s October 2023 Executive Order on the use of AI in the Federal government. Instead, the focus will likely be on private sector development and deployment of AI and maintaining global competitiveness. For education, the Trump Administration is less likely to prioritize guidance to schools and districts on AI use or addressing safety or civil rights concerns (i.e., equitable access and use, bias, and discrimination). There remains notable bipartisan interest in Congress in addressing some aspects of AI use in education—including defining “AI literacy” and allowing existing federal grant programs to be used

for AI curriculum development – though some of these items could be addressed in the upcoming “lame duck” session.

Civil Rights and Legal Actions

The federal election is likely to have profound implications for our nation’s civil rights laws and their enforcement – in education and more broadly. Based on actions during the first Trump Administration and more recent campaign promises, the second Trump Administration is likely to pursue multiple changes in interpretation and implementation of civil rights laws in education – shifting from their core focus on defending and expanding rights of persons of color and other marginalized groups to a focus on eliminating DEI programs; reversing protections for LGBTQ students; and more. At a broader level, the role of law and the courts is likely to continue to increase significantly in the next four years as both a mechanism for advancing Trump Administration positions and for defending against them. All of this requires renewed focus on the capacity for legal analysis and action – both defensive and offensive. Some potential significant actions include:

- **Renewal of an Anti-Equity Executive Order (EO).** Just as it did early in its first term, the Trump Administration is likely to act on Day One to both rescind President Biden’s Executive Order to advance racial equity and replace it with one that seeks to counter DEI efforts. This EO will likely be applicable to all federal agencies and contractors, including USED.
- **Redirection of Civil Rights Enforcement.** Even as the Trump Administration seeks to reduce or eliminate USED, which in its fullness would likely require congressional action, it could immediately redirect current USED (and DOJ) civil rights authority and capacity. USED’s Office for Civil Rights (OCR) is one of the largest offices in the department, employing approximately 500 of USED’s 4,000 staff, and is responsible for policymaking and enforcement of federal civil rights laws in the education context. OCR has significant discretion in setting its agenda and balancing its focus on complaint resolutions versus proactive investigations. OCR could be directed to prioritize compliance reviews related to DEI or other programs – in K12 and higher education – creating a chilling effect and burden as well as threatened loss of federal funds.
- **Rollback of Recent and Longstanding Civil Rights Protections.** The Trump Administration is likely to act on day one to halt or shift development of pending regulations (such as pending regulations under Title IX regarding gender equity in athletics), withdraw defense of regulations pending in court (such as Title IX regulations regarding sexual harassment and discipline policies), and begin work to rescind or reverse other Biden Administration civil rights regulations and guidance. Among other things, this could have significant implications for transgender students and whether and how discrimination based on sexual orientation is prohibited under Title IX, notwithstanding the closely related Supreme Court opinion in *Bostock v. Clayton* holding that Title VII’s prohibition of discrimination based on sex prohibits discrimination based on sexual orientation and gender identity. Finally, the Trump Administration could rely in part on a recent federal district court opinion and injunction in *Louisiana v. EPA* to take action through DOJ and/or USED’s OCR to limit or eliminate the “disparate impact” standard under Title VI and other federal laws. The “disparate impact” standard allows federal agencies to remedy discrimination when actions by a public entity or recipient of federal funds cause significant disparity by race or other factors *and* either do not have a nondiscriminatory justification or there exist other effective strategies that would cause significantly less disparities. This has been an essential tool to combat discrimination through multiple administrations over decades.

- **Reversal of DACA and Threat to *Plyler v. Doe*.** As was done following the 2016 election, the Trump Administration may again seek to formally eliminate DACA protections for undocumented persons, including students and their parents. Importantly, as EducationCounsel stated in a 2017 memorandum to the field, any limits to DACA cannot change the U.S. Constitution’s protections for *all* children, including undocumented children, to have equal access to public education (though it can likely have a chilling effect, particularly in conjunction with potential Trump Administration efforts related to mass deportation). At the same time, the rights of undocumented children to equal access to public education was established by the Supreme Court in *Plyler v. Doe* – a 1982 case decided on a 5-4 vote. This case could be subject to new challenges given changes to the Supreme Court.
- **Robust Enforcement of SFFA and Further Restrictions on Consideration of Race in Education.** The Supreme Court’s decision in *Students for Fair Admissions v. Harvard University and the University of North Carolina* held that the interest in promoting the educational benefits of diversity is not a sufficiently compelling interest to permit consideration of racial status as one factor among many in college admissions. Private interest groups are now working through multiple cases to extend and deepen that holding, including with regard to different kinds of institutions and interests (e.g., military academies, medical schools, K-12 settings); actions not expressly based on racial status but motivated in part by an interest in racial equity/diversity; and actions of private actors (including nonprofits and foundations). The Trump Administration is likely to add federal pressure and capacity behind these efforts, either through the courts or administrative enforcement.
- **Revisions to the Civil Rights Data Collection (CRDC).** Under multiple federal civil rights laws, OCR conducts a biannual civil rights survey that provides longitudinal data related to equity, integration, and many other matters dating back decades. As part of its push toward a “color-blind” approach to civil rights, the Trump Administration could seek limits or changes to the CRDC and its data transparency as well as its focus.
- **Leveraging and Extending *Loper Bright* and Its Limits on Agency Rulemaking.** Under the Supreme Court’s recent decision in *Loper Bright Enterprises v. Raimondo*, federal agencies, including USED, are no longer entitled to deference in their interpretations of federal statutes under the Administrative Procedures Act (APA). Rather, federal courts must decide the “best” interpretation of federal statutes. This could lead the Trump Administration to reregulate in some areas, but it could also work as a potential defense to Trump Administration regulatory actions (and calls for new legal capacity in the field). Further, the U.S. Supreme Court could soon consider new cases that could extend *Loper Bright*’s limits on congressional “delegation” based on the U.S. Constitution, as opposed to just the APA, which would further limit federal agency policymaking authority relative to Congress and the courts.
- **Possible Legislative Changes to Civil Rights Laws.** Given Republican control of the White House and Congress, the Trump Administration and/or congressional Republicans could seek statutory changes to longstanding federal civil rights laws, such as with regard to formally eliminating the disparate impact standard, redefining gender, limiting DEI programs, etc. These efforts are less likely to succeed, unless the Senate eliminates the filibuster.

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