

# ISTE Advocacy Update

## ISTE federal election status update

In last week's midterm elections, democrats captured the House and secured a governing majority of about 33 seats. As of now, with four races still uncalled, Democrats have picked up a net of 37 seats and lead in two more. The Senate will remain under Republican control, but Democratic wins in two seats previously controlled by Republicans – Arizona and Nevada – stemmed Republican gains. Two Senate races remain outstanding – the Florida Senate race is still being recounted, and the Mississippi Senate race heads to a runoff at the end of this month. The final results of these races will determine whether Republicans add one or two more seats to their current 51-47 majority. Despite Republican losses and the prospect of testifying before Democratic-controlled House committees for the next two years, Education Secretary Betsy DeVos and Federal Communications Commission Chairman Ajit Pai have indicated they intend to remain in their positions.

**Education Committees:** With the Democrats gaining control of the House in the midterm elections, current House Education and the Workforce Committee Ranking Member Rep. Bobby Scott (VA) will assume the chair in January. He replaces Rep. Virginia Foxx (R-NC), who is expected to return as ranking member in the new Congress. The committee will look very different next year with at least seven or eight Republicans and two Democrats not returning, and Democrats will occupy a majority of the seats.

In the Senate, Health, Education, Labor & Pensions (HELP) Committee Chairman Lamar Alexander (R-TN) will likely return to his post next year, as will Ranking Member Patty Murray (D-WA). The only committee member definitely not returning is Sen. Orrin Hatch (R-UT), who is retiring. All Democratic members up for election won their races.

Much of the education legislation energy next Congress may come from the House, where Rep. Scott is expected to do more than change the committee's name (which he most assuredly will do, shifting it back to be called the Education and Labor Committee); he will also likely lead a number of oversight hearings and investigations on hot-button topics including Every Student Succeeds Act (ESSA) implementation, school violence and college sexual assault standards. On the legislative front, Scott has already signaled an interest in reintroducing the Aim Higher Act, the bill he crafted and introduced this year to reauthorize the Higher Education Act (HEA). That bill contained a great deal of technology language and was a far more progressive bill than Sen. Foxx's version, which would have eliminated the professional development section entirely. However, even if Scott manages to move the Aim Higher Act through the House, it faces an uncertain future in the Senate. Sen. Alexander has far different views than Scott on reauthorizing HEA, particularly on the number of student loan programs and the overall availability of student loans. Scott has also indicated an interest in moving his school construction legislation along with a bill he just introduced on seclusion and restraint. It remains unclear whether Scott will pursue House legislation to reauthorize the Family Educational Rights and Privacy Act (FERPA), the more than 40-year-old law governing how schools handle student records. FERPA reauthorization has not been a priority for the Senate HELP Committee thus far.

**Commerce Committees:** On the Senate side, Sen. Roger Wicker (R-MS) is poised to assume the chairmanship of the Senate Commerce Committee as Sen. John Thune

(R-SD) is termed out. The truly big change is the increasingly likely loss of Ranking Member Bill Nelson (D-FL), who trails his re-election challenger by 12,000 votes in a race currently undergoing a manual recount. It's not entirely clear who will assume that position, but it could be Sen. Maria Cantwell (D-WA), who has seniority.

On the House side, Ranking Member Rep. Frank Pallone (D-NJ) is expected to lead the House Commerce Committee. It's presumed that the current chair, Rep. Greg Walden (R-OR), will become ranking member. There may be legislative action in two areas of interest on this committee: privacy and the homework gap. On the former, there may be significant efforts to attempt to limit technology companies' collection and use of consumer and student data. It remains unclear if the Senate will have the appetite to work on its own privacy bill. On the latter, homework gap legislation is possible from the House Democratic side.

**Appropriations:** Long-serving Rep. Nita Lowey (D-NY) becomes chair of the full House committee in the new year. While the subcommittee chairs and ranking members will not be decided for a few weeks, it's very likely that Rep. Rosa DeLauro (D-CT) will chair the Labor HHS Education Subcommittee. On the Senate side, Chair Sen. Richard Shelby (R-AL) will remain in charge. Beyond Shelby, positions are not yet known.

The federal budget will be an immediate issue for the new Congress and the president, as the current spending caps deal will sunset at the end of this fiscal year. Without a new deal, across-the-board spending cuts mandated by the Budget Control Act would kick in. If a new deal can be reached, which will be a heavy lift given the growing federal budget deficit and the president's interest in 5 percent spending cuts for all federal agencies, the outlook for K-12 spending is positive. Title II-A now seems relatively secure after two level-funded years and Title IV-A, fresh off massive increases, may be poised for further appropriations gains – particularly if it's viewed as a vehicle to fund whatever recommendations the Federal School Safety Commission makes in the next few months.

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