educationfirst

Facts in the Flood

Education First's analysis of federal education policy under the Trump Administration

New Political Possibilities:

How the 2026 Election Creates an Opportunity for a New Era of Education Policy

November 2026



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Executive Summary

Federal

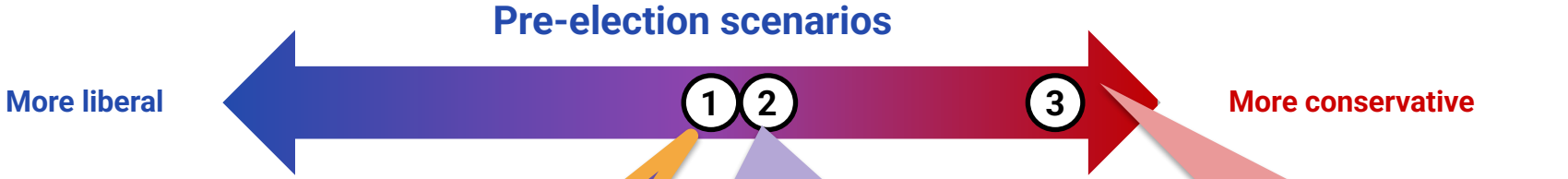
- The midterm election led to **divided government,** with Democrats winning both the Senate and the House.
- Regardless of Congressional action, the administration will likely **continue using regulatory tactics** to implement its agenda, rather than retreat.
- **These tactics will be challenged** via Congressional hearings and appropriations riders, as well as ongoing and new court challenges.

State

- **21 states will have new governors, 15 Democratic and 6 Republican.** Democrats gained control of all branches of government in six states.
- **States face major decision points** related to federal policy changes, including the new Federal Scholarship Tax Credit, federal cuts to Medicaid funding and regulatory shifts.
- There is a **window of opportunity to influence new state leaders** at the peak of their political capital on state-level decisions and responses to federal policy.

Federal Election Results & Policy Implications

Democrats won the House and Senate in a historically large sweep, ushering in a divided federal government



1) Divided Government: D Senate, D House

Result: The Democratic Congress will conduct oversight of the Administration's actions. Dems *cannot* pass partisan laws over a presidential veto, but *can* block nominees to agencies and courts.

2) Divided Government: R Senate, D House

Result: Similar to Scenario 1 at left, although Dems *could not* block nominees to agencies and courts.

3) Unified Government: R Senate, R House

Result: Preserved the previous balance of power, and increased Republicans' political capital. Congress may have passed a partisan reconciliation bill and not blocked presidential actions.

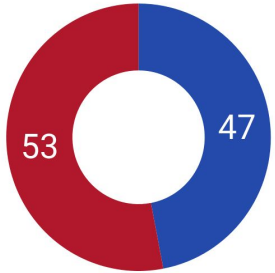
The historically large scale of Democrats' win will have implications for both **hard power** and **soft power** in the coming years.

Democrats gained nine Senate seats and 42+ House seats, creating the largest majority for either party in over a decade

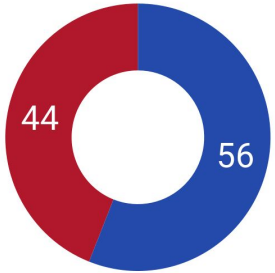
Pre-election

Post-election

Senate

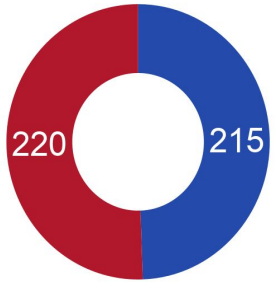


Democrats flipped 9 seats, matching the biggest gain for either party in 12 years

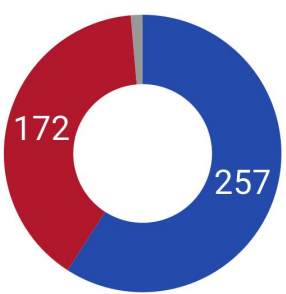


This is the largest Senate majority for either party in 16 years

House



Democrats gained at least 42 seats, the biggest gain for either party in 16 years



If Democrats win 260+ seats (as expected), this will be the largest majority for either party in 34 years

Notes: House seat totals are as of 11/18/26. Six races remain uncalled; Democrats lead in three of these, Republicans lead in one, and the remaining two are going to a runoff. Sources: NY Times (2026), AP (2026), U.S. House Historian (2026), U.S. Senate (2026)

Under divided government, partisan legislation is blocked. Democrats' key power is oversight; Trump's is executive action.

Policy lever	President Trump's authority	Congressional Democrats' authority *Democrats have 56 Senate seats and 257+ House seats*	What this means
Pass laws	• Sign or veto bills	• Most bills need 60 Senate votes to overcome a filibuster. *(One exception: budget reconciliation requires 51 votes; can only be used once annually.)* • Overriding a presidential veto requires 67 Senate votes and 290 House votes	• **Only bills Trump will sign can become law.** • **Democrats' party-line bills will mostly be messaging bills**
Appointments	• Nominate judges and senior officials	• Senate must confirm presidential nominees	• **Democratic Senate can block Trump's controversial nominees**
Congressional oversight	• Can resist oversight by claiming executive privilege and through litigation	• Congressional committees can issue subpoenas and hold hearings	• **This is Democrats' primary unilateral power**
Executive actions & regulations	• President can issue executive orders; agencies can issue regulations	• Congress must pass a law to override executive orders or regulations (and these laws can be vetoed)	• **This is Trump's primary unilateral power**

Democrats control Congress, but face a presidential veto. They may focus on oversight, messaging bills and some bipartisan laws.

Congress	
Democratic Priorities	**Bipartisan Opportunities**

• **Broad Congressional oversight**
• **Messaging bills on:**
  ○ Reversing Medicaid & SNAP cuts
  ○ Keeping education programs within ED
  ○ Upholding civil rights protections
  ○ Protecting grant funding
  ○ Repealing the Federal Scholarship Tax Credit
  ○ School infrastructure investment
  ○ Federal student aid expansions
	• **Literacy legislation (READ Act)**
	• **Level funding within Title programs and IDEA; addressing Pell shortfall**
	• **Changes within student lending: interest rates and loan caps**
	• **Career pathways / workforce development legislation (WIOA)**
	• **Student data privacy and online safety legislation**
	• **Legislation on college costs and data (College Transparency Act)**
	• **AI regulation or legislation, likely broader than education context**

The Trump Administration will likely continue pursuing its prior policy agenda via regulations and executive actions

Executive Actions

Republican Priorities

- **Regulatory changes or department action to:**
  - Establish “race-neutral” policies via grant requirements and new OMB and EDGAR rules that allow unilateral termination for any reason
  - Dismantle ED via interagency agreements (IAAs)
  - Expand school choice and parents’ rights
  - Implement and continue to regulate on higher ed loan, accreditation and accountability changes
  - Support additional ESSA waivers
  - Continued investigations into K12 systems and colleges

House and Senate committees will have new leadership to set the Congressional education policy agenda

House Changes

House Education & Workforce Committee
Current Chair: Tim Walberg, R-MI

- **There is a three-way race for chair.** Ranking Member Bobby Scott (D-VA), who chaired the committee after Democrats' 2018 win, is generally favored to win. Jahana Hayes (D-CT) and Suzanne Bonamici (D-OR) are also running.
- **On the Republican side,** Walberg is set to become the ranking member.
- **The Democrats shared priorities** include expanding federal student aid, investing in early childhood education, and oversight of the Education Department's transfer of responsibilities to other agencies and actions regarding mass firings, grant termination, and lack of civil rights enforcement.

Senate Changes

Senate Health, Education, Labor, and Pensions (HELP) Committee
Current Chair: Bill Cassidy, R-LA

- **Bernie Sanders (I-VT)** is set to reclaim the chair.
- **Republican leadership is open.** Cassidy lost his primary. It appears Sen. Rand Paul (R-KY) will be the ranking member at this time.
- **With Sanders as committee chair,** there could be hearings on teacher pay, debt-free college, and the administration's civil rights agenda. There will likely be more of an emphasis on health care and labor policy than education in the committee.

Sources: Associated Press (2026); CNN (2025); GVWire (2026); Fox News (2026)

The size of Democrats' win may impact the strength and priorities of both parties' political coalitions

- **For Republicans:** Trump's coalition may be breaking, making his control over the Republican caucus less certain
  - Trump is entering the lame duck period of his presidency with historically low approval ratings and a major midterm loss.
  - Nearly all moderate Republicans lost their seats, leaving a very pro-Trump remaining Republican caucus in Congress.
  - This will likely create a tension between Trump-aligned remaining members and moderates running for president who need to gain separation from an unpopular Trump
  - How Trump handles this reduction in his centrality and power is uncertain
- **For Democrats:** There is now significant ideological diversity in the Democratic caucus
  - The new Democratic caucus membership ranges from Democratic Socialists to moderates.
- **For both parties:** 2028 presidential candidates are likely to take center stage. This is one of the most open primary fields for both parties in a decade.

A few key actions in the coming months may signal the direction of the next two years

- Do the first education hearings of the new Congress focus on **oversight or policy**?
- Do **proposed grant rules** from OMB and ED that empower the Administration take effect next year, or are they blocked by courts?
- Do Republicans join Democrats in fighting **interagency agreements** used to outsource ED's work to other agencies?
- Do Democrats gain cosponsors on a bill to repeal the **Federal Scholarship Tax Credit**?
- Is there bipartisan action on **literacy** or **higher education loan changes** in the new year?
- How do **likely 2028 presidential candidates** position themselves on education issues?

Source: EdTrust (2026)

State Election Results & Policy Implications

Across the nation, new leaders in statehouses will drive education decisions over the next two years

6

new Democratic trifectas, and Republican one-party control ended in **5 more states**

21

new governors: **15 Democrats** and **6 Republicans**, with **6 seats flipped to Democrats**

13

new state chiefs likely: **5** newly-elected (Democrats flipped AZ and GA) and **8** appointed by new governors

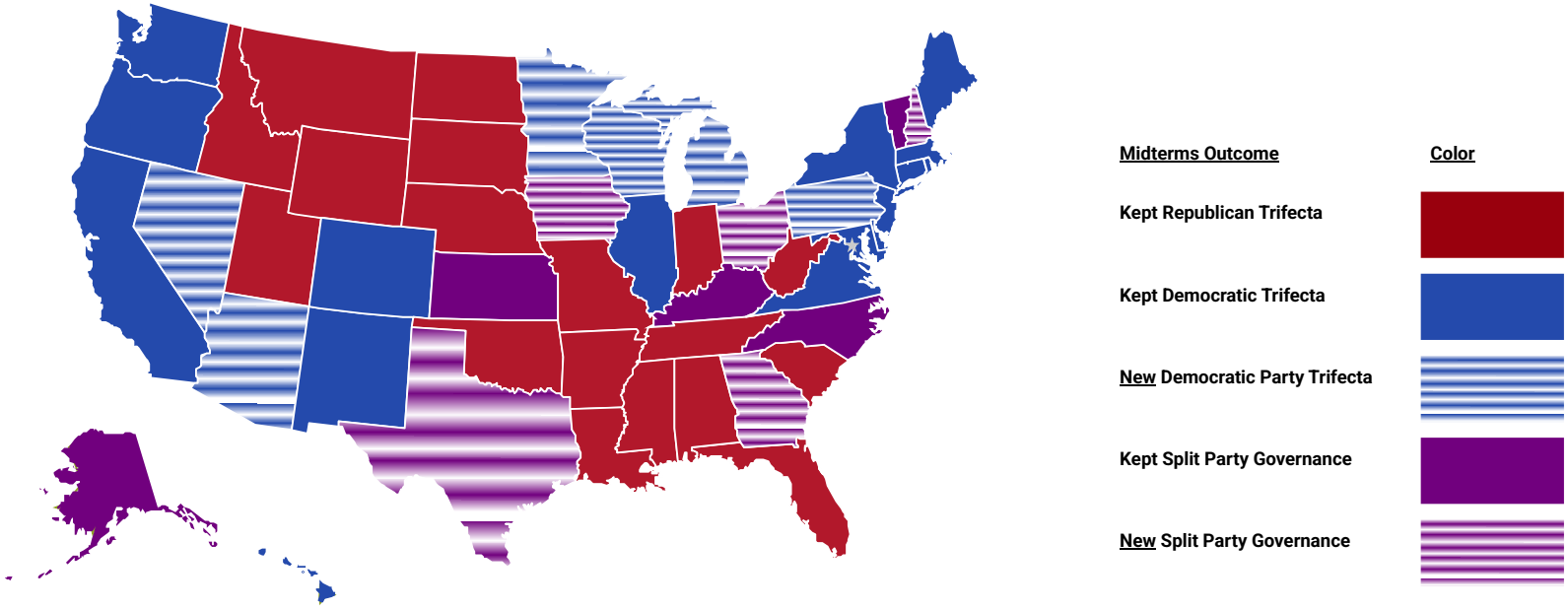
1 in 2

education committees will have new chairs and nearly **1 in 4** legislators will be new in 2027

The window to shape bipartisan, pragmatic, evidence-based and student-centered education policy is now, while new leaders are translating campaign slogans into agendas and then actionable proposals.

Sources: Bellwether (2026); ECS (2026); KFF (2026); MultiState (2026); Ballotpedia (2026)

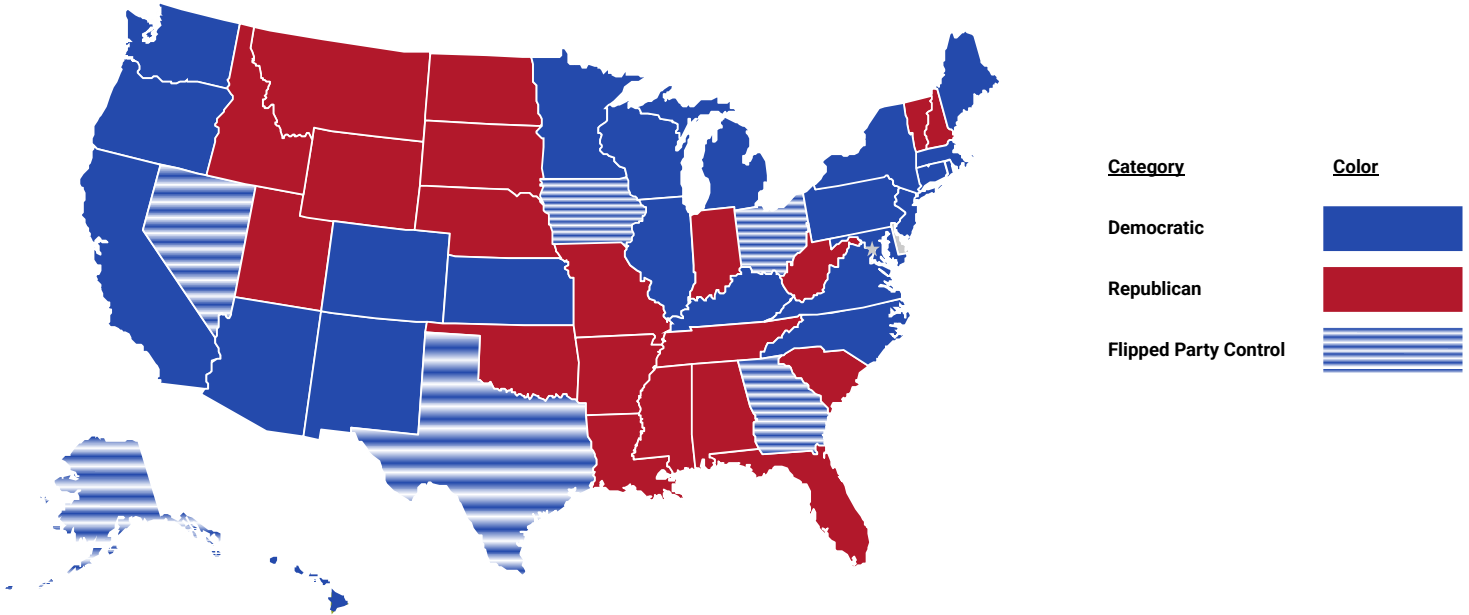
The shift in party power in many states creates opportunity to shape education policy agendas now and into the future



Democrats flipped 12 legislative chambers: both chambers in AZ, NH, and WI; the House in GA, MI, NC and TX; the Senate in PA; and broke a tie in the MN House. They also gained veto-proof supermajorities in CO, NY, and VT, while Republicans lost supermajorities in FL, KS, MO, OH, SC and UT. Alaska's House and Senate remain controlled by two separate multi-party coalitions comprised of both Democrats and Republicans.

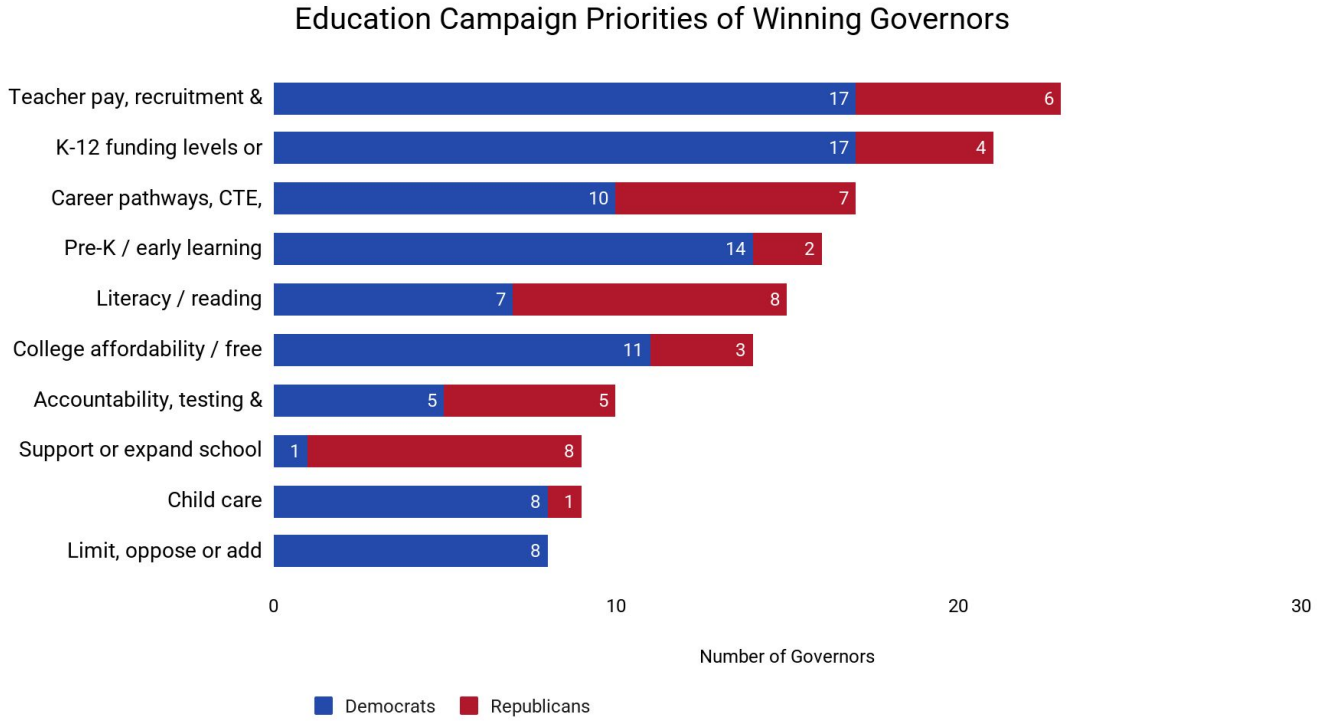
Sources: Ballotpedia (2026); Multistate (2026)

Democrats won governors' races deep in Republican territory without losing a single seat



Sources: Associated Press (2026); Ballotpedia (2026)

Education was not a decisive issue in most gubernatorial campaigns; their positions mostly reflected partisan priorities



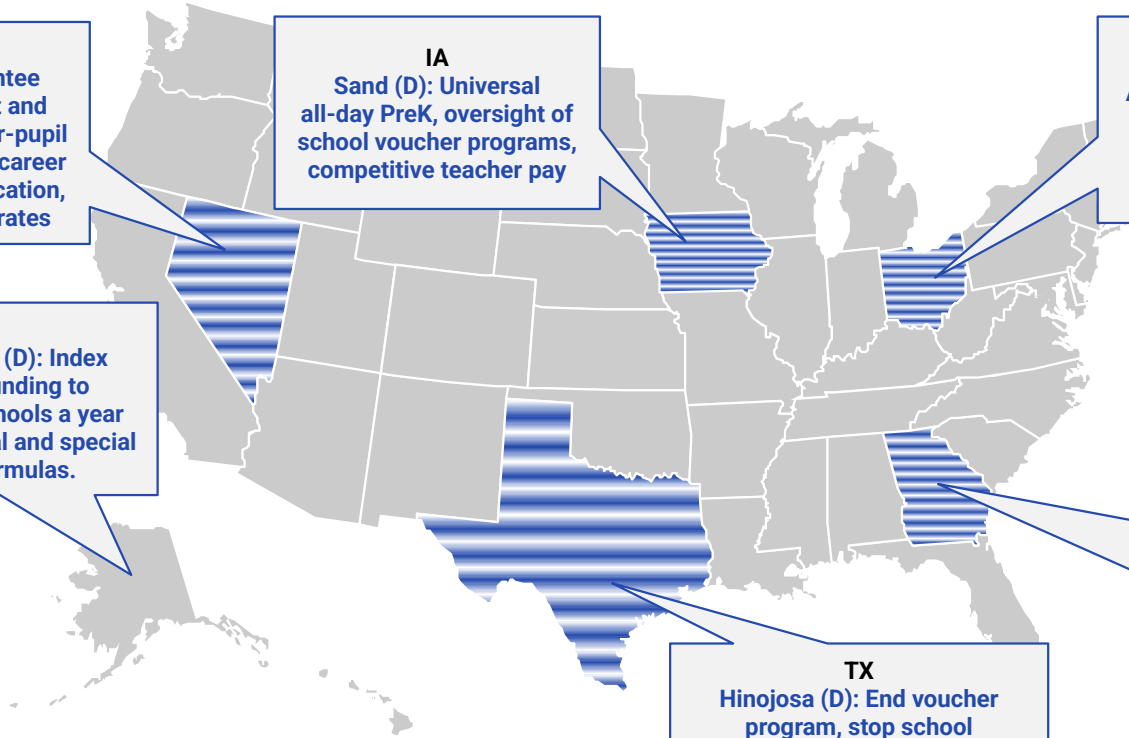
Prominence:
Education was not a major gubernatorial campaign issue, except in Iowa and Texas where the winning candidates prominently opposed school vouchers.

Bipartisan:
Literacy, career pathways, and phone screens appeared in the campaigns of both parties'.

Where is AI?
Concerns about AI were treated as a broader issue than just education.

Methodology Note: We reviewed each Governor's campaign website and coded stated priorities (AI-assisted).

Democrats that flipped governors' seats prioritized increased funding, literacy and oversight of private school choice



NV
Ford (D): Guarantee school breakfast and lunch, increase per-pupil spending, expand career and technical education, improve literacy rates

IA
Sand (D): Universal all-day PreK, oversight of school voucher programs, competitive teacher pay

OH
Acton (D): Reforming the School Voucher system in favor of a public system, free school lunch and breakfast, 21st century workforce training

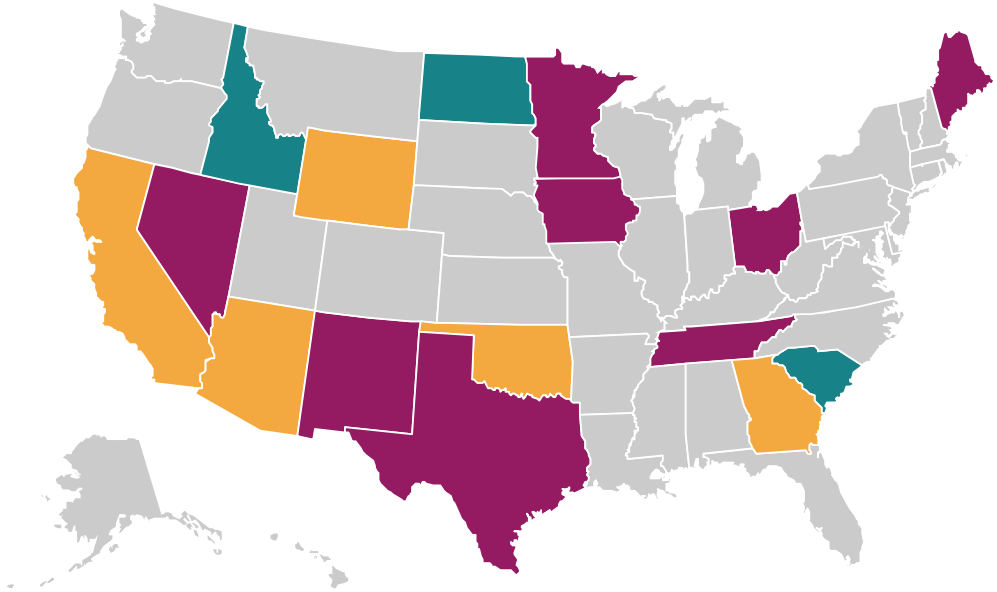
AK
Kreiss-Tomkins (D): Index per-student funding to inflation; fund schools a year ahead; update rural and special education formulas.

GA
Bottoms (D): Literacy and early learning, financial literacy, universal PreK, free technical and community college

TX
Hinojosa (D): End voucher program, stop school takeovers, wipe no-bid contracts and increase teacher pay, end the STAAR test

Democrats will gain control of state education agencies in at least six states

AZ and GA elected new Democratic education chiefs. The new Democratic governors of IA, NV, OH and TX have the power to appoint state chiefs. Texas' governor-elect Hinojosa has already pledged to replace Commissioner Mike Morath.



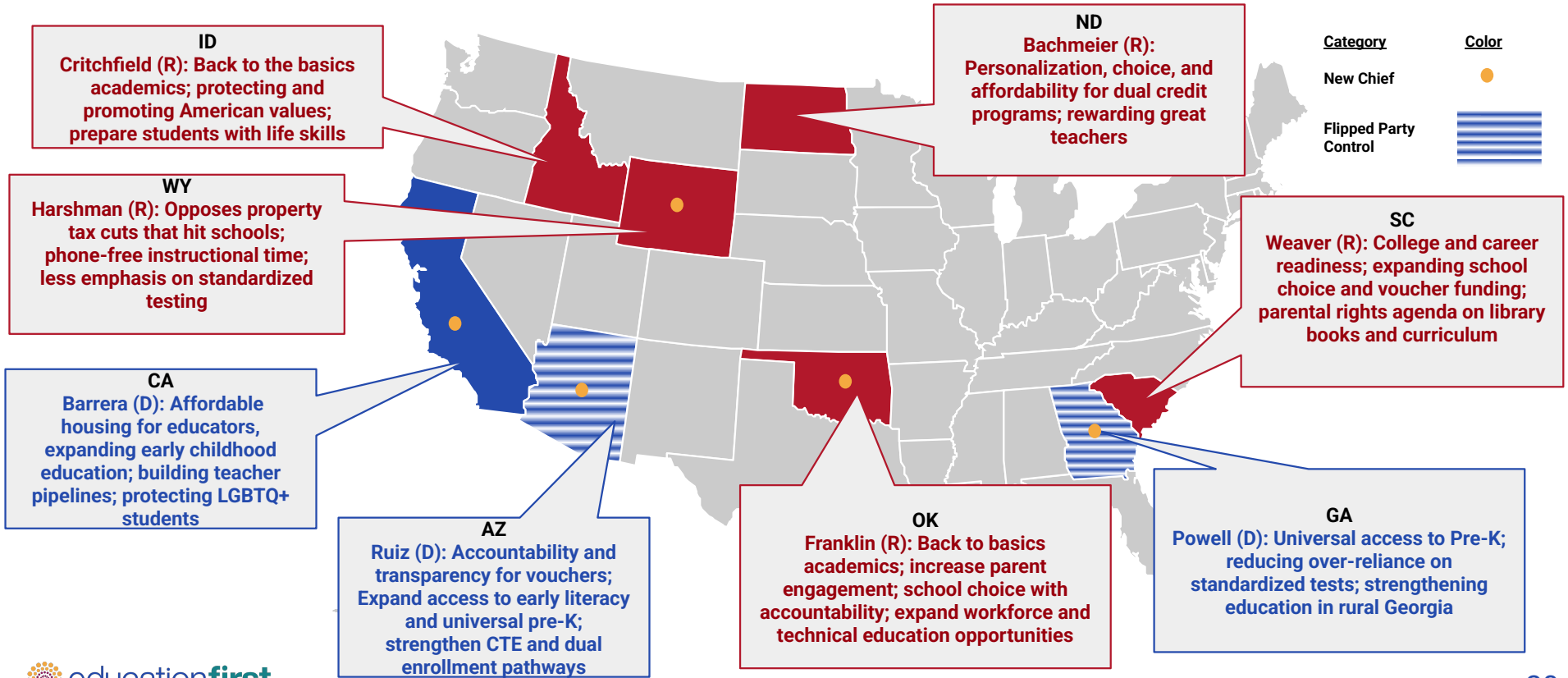
Category	Color
Elected State Chief: Incumbent Won	
Elected State Chief: New Chief Elected	
New Governor's who can appoint the Chief	

It gets complicated: In Ohio, the governor appoints the Director of the Department of Education and Workforce (DEW), who oversees the state's schools. The State Board of Education appoints the Superintendent of Public Instruction, who handles teacher licensing and discipline.

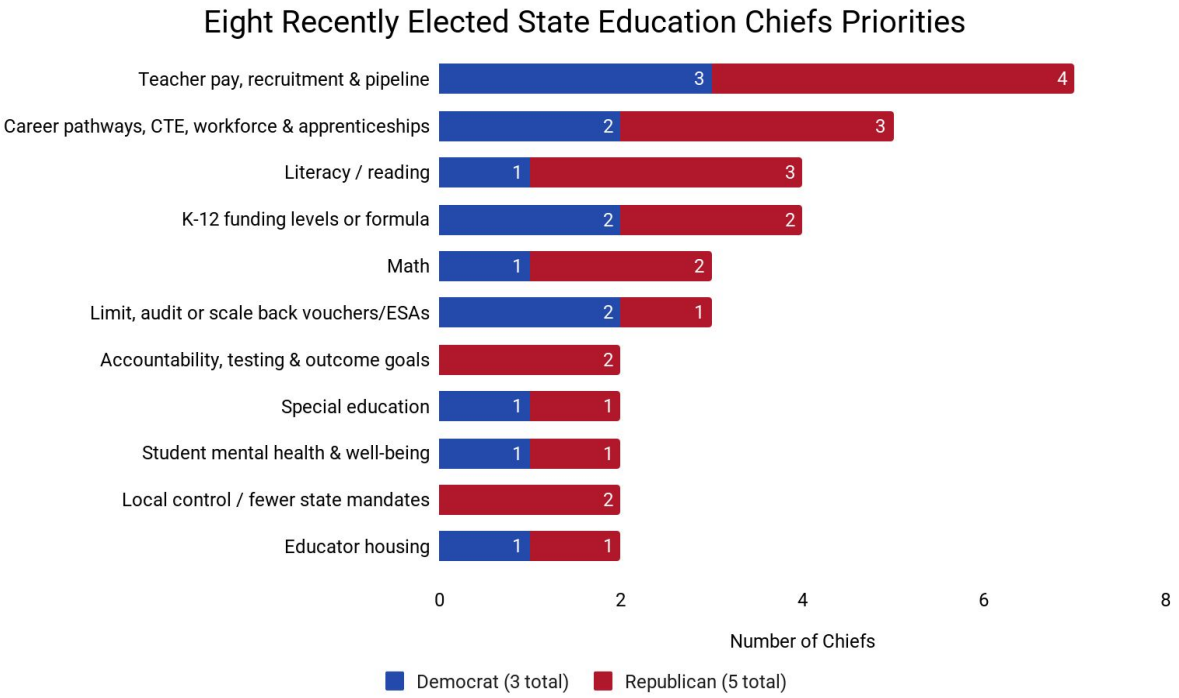
A 2026 California law created a governor-appointed Education Commissioner who takes over the department from the elected superintendent. The superintendent now sits on the State Board of Education and the community colleges' Board of Governors. Incoming Superintendent Richard Barrera and the commissioner must propose a division of duties to the Legislature by fall 2027.

Sources: Bellwether (2026); ECS (2026)

Newly-elected education chiefs campaigned on similar issues as governors, but fewer of these races changed party control

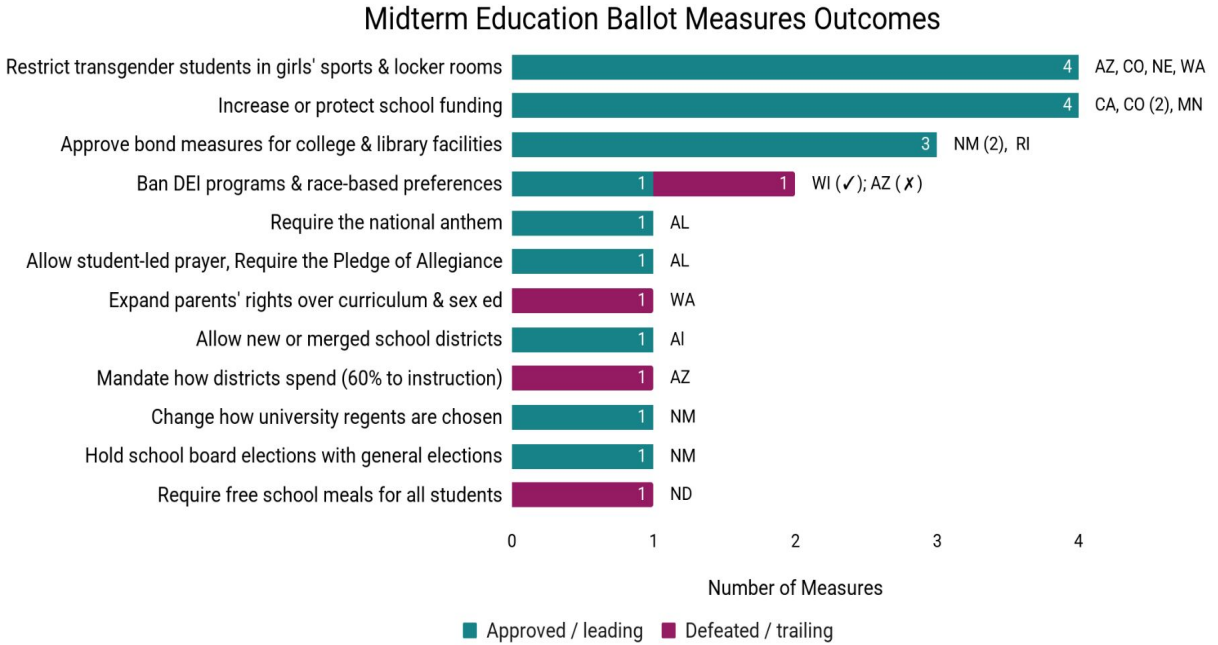


The eight chiefs elected in 2026 agree on teacher pipelines, pathways and literacy; they diverge on funding and choice



Methodology Note: We reviewed each winner's campaign website and coded stated priorities (AI-assisted)

Ballot measures funding education-specific increases passed. “Culture war” ballot measures had more mixed results.



Sources: Ballotpedia, Education Week (2026); Bellwether (2026); Tax Foundation (2026); Kiplinger (2026)

Voters passed a few conservative culture war initiatives, including in blue states, despite the “blue wave”

Sex-at-birth requirements for girls’ sports	In both Democrat- and Republican-led states, ballot initiatives designating sports teams by sex at birth were passed. Proposition 318, the “Protect Girls Sports in Arizona Act”, Initiative 638 in Washington, Initiative 442, the “Fairness for Girls” amendment in Nebraska, and Proposition 134 in Colorado all **restricted girls’ K12 and College teams to sex at birth.**
America First in Alabama	Alabama passed amendment 3 which requires public schools to **conduct the pledge of allegiance to the U.S. flag each day** and requires schools to allow optional student-led prayers. They also passed amendment 4 which requires public schools to broadcast or perform the first stanza of the **Star-Spangled Banner once a week.**

Sources: Education policy ballot measures - Ballotpedia

Proposed measures limiting taxes had mixed results in both red and blue states

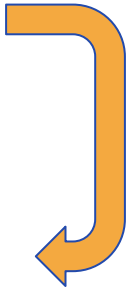
Revenue limits	**Passed:** North Carolina (60%+) **cut its income tax cap from 7% to 3.5% and authorized local property tax limits.** Iowa now requires a two-thirds vote to raise income taxes; Tennessee banned a state property tax (symbolic). Florida (62%) expanded homestead exemptions on non-school property taxes, squeezing libraries, after-school and child care. **Failed:** Voters rejected Wyoming's 50% property tax cut (~57% no) and Oklahoma's a proposed constitutional amendment to slow how fast property taxes can grow (54% no).
Taxing the wealthy	**Passed**: Colorado **graduated income tax** (~51%) creates new tax brackets, but the only bracket where taxpayers will pay more is on incomes over $500,000. **Washington voters kept a 9.9% tax on income over $1M** (~58% against repeal; takes effect in 2028). **Failed**: CA's proposal for a **wealth tax failed**.

Sources: Education Week (2026); Bellwether (2026); Tax Foundation (2026); Kiplinger (2026)

State-level policy choices driven by federal policy shifts remain the same, with projected budget gaps timed to Medicaid cuts

Roll back "DEI" policies	Strictly enforce immigration laws	Reduce the federal role in education
• Codify race-conscious **"disparate impact" protections** for students into state law? • **Require disaggregated data reporting,** broken out by race, disability and other categories to identify disparities?	• Protect **undocumented students' right to K12 education** by reinforcing *Plyler v. Doe* protections in state law? • Extend *Plyler* protections to vulnerable K12-adjacent programs like **dual enrollment and early childhood programs**?	• Apply for an **ESSA waiver** to consolidate federal Title II/III/IV funds? • **Backfill federal Medicaid funding cuts** with dollars that might otherwise be spent on education?

Remake higher education and expand career pathways	Expand school choice and parents' rights
• Refine **Workforce Pell** approval process and implementation? • Evaluate impact of new **higher ed accountability** and **student loans** programs?	• Participate in the **Federal Scholarship Tax Credit (FSTC)?** Submit SGO lists? • Set **curriculum opt-out** policies to implement new Supreme Court ruling on religious objections?



Governors must opt in to the FSTC by Jan. 1 and then must submit SGO lists by Feb. 15. Six opted-in states have now flipped to Democratic governors. For guidance on this decision, see our publication Understanding the Federal Scholarship Tax Credit.

For more information on federal education policy changes, visit our Facts In The Flood series page

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