

November 7, 2022

Dr. Curtis Culwell
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Via email: curtis@texasschoolalliance.org

Re: TSA Federal Update

Dear Dr. Culwell:

The following information is provided relative to the federal activities of the TSA:

1. Midterm changes to House and Senate Education Committees

Key federal lawmakers on education and appropriations committees in the House and Senate will likely be re-elected this November, but their decision-making power will depend on which party takes control of either chamber. Election forecasters currently predict that Republicans will flip the House of Representatives, while control of the Senate is a toss-up.

So far, education lobbyists and policy experts expect a familiar face—Representative Virginia Foxx of North Carolina—to lead the House Committee on Education and Labor if the Republicans do in fact secure a majority. Who will lead the Senate Committee on Health, Education, Labor and Pensions is an open question with lawmakers retiring and moving to other leadership posts, but several expect a possible combination of Independent senator Bernie Sanders of Vermont, who caucuses with Democrats, and Republican senator Rand Paul of Kentucky. That combination seems unlikely to be a recipe for bipartisanship.

Paul's potential leadership of the HELP committee in 2020 concerned lobbyists and policy experts, who worried it would undermine the work of the U.S. Department of Education. Thirty-five Senate seats are on the ballot across the country, along with the entire House of Representatives. Those include 14 Democrat-controlled seats and 21 Republican-controlled seats. The Senate is currently split 50-50, with Democrats in the majority.

Foxx is expected to easily win her bid for a 10th term, Kondik said. Democratic representative Bobby Scott of Virginia currently chairs the committee, and he's also expected to be re-elected. Foxx is a longtime member of the committee and a previous chairwoman. Foxx is likely to oppose everything President Biden wants and bring campaign rhetoric about the role of race in education to committee hearings. Foxx and other House lawmakers recently criticized what they said was a misuse of COVID-19



Dr. Curtis Culwell
November 7, 2022
Page 2

relief funds, citing one school district that, they said, used the money “to pay for radical curricula to indoctrinate students.” Representatives Rosa L. DeLauro, a Democrat from Connecticut, and Tom Cole, a Republican from Oklahoma, who lead the House Education Appropriations Committee and the Republican contingent on the committee, are also seeking re-election. Election forecasters don’t consider those races competitive and expect both lawmakers to win.

On the Senate side, Republican senator Richard Burr of North Carolina is retiring this year, creating a vacancy at the top of the HELP committee. Democratic senator Patty Murray of Washington, who chairs that committee, is up for election. Kondik said Murray appears to be doing well in her re-election bid. She’s consistently led public polling and won the August top-two primary with 52 percent of the vote. In that primary, the top two vote getters, regardless of party, advance to the general election.

If Murray does in fact win, lobbyists and policy experts say she’ll likely become the top Democrat on the Appropriations Committee. Democratic senator Patrick Leahy of Vermont, that committee’s top Democrat, is retiring at the end of this year, along with the Appropriations Committee’s top Republican, Senator Richard Shelby of Alabama. Senator Susan Collins of Maine is expected to take over for Shelby. Collins would likely work well with colleges. Murray’s switch to the Appropriations Committee would make Sanders next in line to chair the HELP committee. Meanwhile, Paul would be the committee’s highest-ranking Republican after Burr’s retirement, though Paul is also in line to lead the Senate’s Homeland Security Committee. A Sanders-Paul combination at the top of the committee could spell trouble for bipartisanship. Fansmith said education policy has typically been an area for collaborative, bipartisan cooperation. They are both strong senators. Both have national profiles. Both are pretty strong partisan viewpoints that they are not shy about expressing. They’re pretty passionate advocates. They’re also very diametrically opposed views of what the appropriate federal role is.

Education has not dominated national political headlines this midterm cycle and TV ads have focused primarily on inflation, crime, and abortion. Yet education issues have permeated election campaigns up and down the ticket, from congressional candidates to governorships and even school board races, which have seen new influxes of attention and outside spending.

One year ago, analysts across the political spectrum predicted that the national Republican playbook in the midterms would mirror that of Virginia’s newly elected Republican governor, Glenn Youngkin, who won his race after making “critical race theory” and “parents’ rights” central to his bid. After the Virginia election, Democratic pollsters found that 9 percent of Biden voters cast their ballots for Youngkin, with most citing education as a top issue. The analysts who thought Youngkin’s experience would repeat itself in the 2022 midterms were both right and wrong: Republicans are focusing on winning the same kind of Biden-to-Youngkin suburban moderates who prioritized education and flipped Virginia red. So the education culture wars are at play in this election, but the central issues don’t look the same as they did a year ago.

Critical race theory — a term that, in popular usage on the right, has come to mean nearly any curriculum that refers to systemic or structural racism — hasn’t totally disappeared from the midterms. Most Republican nominees for state education superintendent feature fighting CRT prominently on their



Dr. Curtis Culwell
November 7, 2022
Page 3

campaign websites and more than a half-dozen GOP gubernatorial candidates have said blocking CRT in schools is a top priority for them. But the issue has significantly faded since the Republican primaries have ended, in part because outside of the Republican base, most voters simply don't know or care about it, and don't have a clear opinion on if it should be taught in schools. Even Fox News's Tucker Carlson has basically stopped talking about the issue, after having mentioned it at least 130 times between May 2020 and November 2021. But Youngkin's emphasis on parents' rights has proven far more potent this year as a rallying cry for candidates — even at the federal level, where House Minority Leader Kevin McCarthy has endorsed a “Parents’ Bill of Rights” for schools if the GOP takes control of Congress. Politicians from both parties have sought to appeal to the widely held belief that parents should be more involved in local school matters, including selecting curriculum and opting children out of lessons they may object to. The education culture wars at play in this election also reflect new efforts to capitalize on shifting ideas around which party is more trustworthy on education — a mantle Democrats have enjoyed for decades but appeared to lose ground on following the pandemic. In March 2022, the polling company Rasmussen found 43 percent of likely voters said they trusted Republicans more to deal with education issues, compared with just 36 percent trusting Democrats more. Two more polls conducted this summer by Democratic-aligned groups also found Republicans with a new, narrow edge over Democrats on matters of school trust.

2. ESSER Spending

Department of Education officials still say, nationally, that only 15% of ESSER III \$ has been spent or committed. See: <https://www.washingtonpost.com/education/2022/10/24/covid-spending-schools-students-achievement/>.

That's going to be used against districts by Republicans in the next term, (Republicans certain to regain control of the House).

3. GAO and Cyber Issues

GAO came out with strong recommendations to improve and enhance coordination of prevention of cyber attacks. Districts remain a favorite target of ransom demands and they are paying them. See <https://www.gao.gov/products/gao-23-105480>.

4. Supreme Court & Affirmative Action

Supremes likely to end affirmative action and the holding, expected in June will affect K-12 despite the cases coming from higher Ed. Think magnet programs and sports programs.

5. Grants for Mental Health

The U.S. Department of Education announced Monday it is accepting applications for two grant programs aimed at increasing mental health supports for students. Funding for the grants come from the Bipartisan Safer Communities Act and FY 2022 annual appropriations. Grant requirements, published in August, said money would be distributed to states and districts to expand school-based mental health services by increasing, diversifying, recruiting and retaining school mental health staff.



Dr. Curtis Culwell
November 7, 2022
Page 4

“For too long, schools have lacked the resources to hire enough school-based mental health providers, when at the same time, educators are often first to notice when a student is slipping academically or struggling because of mental health challenges,” said U.S. Secretary of Education Miguel Cardona in an emailed statement.

The first grant program — School-Based Mental Health Services Grants — is for states and districts to increase the number of credentialed school-based mental health service providers in districts with a demonstrated need. There is \$144 million available each year for five years, with an average award size of \$1.75 million. The department estimates making up to 150 awards.

The second program — Mental Health Service Professional Demonstration Grants — encourages innovative partnerships between districts and higher education institutions to train school-based mental health services providers to work in schools and districts. This program is funded at \$143 million a year for five years, with an average award size of \$800,000. The Education Department expects to provide 250 awards.

The Education Department held webinars last month for prospective applicants. As more information is obtained, we will share with TSA.

Very truly yours,

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