



National
Urban League



Protecting and Advancing Your Education Priorities During a Federal Transition October 2024

This memo provides an overview of the federal transition process to help leaders build a strategy that maximizes opportunities and minimizes risks related to their key education priorities. We have also prepared a separate memo with guidance on state-level transitions, which can be found [here](#). The election will certainly yield a change in the presidential administration — either a Harris or Trump win will usher in a new administration. However, it is worth keeping in mind that important changes in Congress are also possible, including shifts in control of either chamber and changes in key committee leadership. This memo is based on several sources, including federal law governing transition, published resources, and the firsthand experience of those involved in prior presidential transition teams and closing out prior administrations. The goal is to provide a simple framework to help guide deeper discussions and planning. Lastly, we want to note that different organizations face varying legal requirements with regard to engaging in federal policy, including transitions, but there are important ways that all organizations can engage within federal law.¹

Background and Context on the Presidential Transition Process

Overview

During the presidential transition process, the president-elect establishes the structures, processes, and strategies necessary to help build a governing team, set policy priorities, and transfer power from the outgoing presidency and administration. According to the most recent [guide](#) on transitions from the nonpartisan Partnership for Public Service's [Center for Presidential Transition](#), the incoming administration will need to establish “key goals and organize the infrastructure necessary to achieve them, including: [1] staffing the White House and the Executive Office of the President ...; [2] making more than 4,000 presidential appointments, over 1,100 of which require Senate confirmation; [3] getting up to speed on

¹ This memo provides general information to support policy and advocacy organization planning and does not constitute legal advice.

more than 100 federal agencies and organizing and training leadership teams for each; [4] building a full policy platform for the new Administration based on campaign promises, and planning executive actions, a management agenda, a budget proposal and potential legislation; [5] preparing a 100- to 200-day plan for executing the policies laid out during the campaign ... and [6] developing a strategy for communicating with the American people, Congress, the media, political appointees, the federal workforce and other stakeholders." The center provides a useful [guide](#) to the various deadlines and key milestones involved in a transition.

The Presidential Transition Act, first enacted in 1963 and updated several times since, has formalized the presidential transition process. Under the law, candidates can launch their transition committees following the presidential conventions. The General Services Administration (GSA) provides staff support, a budget, office space, equipment, and other resources. The law also establishes requirements for the current administration, including the designation of White House and agency leads responsible for transition planning. The 2019 [Presidential Transition Enhancement Act](#) established new provisions, including the requirement for the GSA and presidential transition teams to enter into a memorandum of understanding by September 1 of each election year; it also requires presidential candidates to create and release an ethics plan for their transition teams prior to the election, detailing how the team will address the roles of current or former lobbyists and avoid conflicts of interest; and mandates that each agency create a succession plan for every senior non-career position by September 15 of an election year.

To inform planning, this memo provides an overview of the transition team's functions, the timeline for the presidential transition process, as well as key considerations for building a strategy.

Functions of the Transition Team

The transition team will focus primarily on three key areas to achieve its goals: policy planning/development, agency review, and presidential appointments. The structure of a transition team is likely to mirror these focus areas and might include a leadership team (beginning with the president-elect), a policy team, an agency review team, and a personnel team. The structure of a transition committee can vary for each candidate and is often influenced by the candidate's priorities.

- 1. Policy planning:** The transition team focuses on further developing key policy priorities and proposals for the new administration to advance, partly based on each candidate's/president-elect's campaign promises. This may include the creation of an education policy team specifically empowered to develop priorities and positions for the incoming president, the White House, and the Secretary of Education for inclusion in the State of the Union and agenda for the "first 100 days" (as well as initial actions such as legislative proposals, executive orders, convenings, or similar initiatives). Perhaps most significantly, this will include a budget team that will set early spending priorities, which will inform the president-elect's first proposed budget (typically published in the spring following the election). It is important to think here about what space exists on the

“decision agenda” — for both big and small priorities — and the extent to which some priorities might crowd out others.

There is also significant overlap and information-sharing between the policy team and the agency review team (described below). The policy team often focuses on issues that warrant presidential/White House involvement, while the agency review team focuses more on agency-level activities and priorities. The policy team will also make recommendations and weigh in on appointments, including briefing the secretary-designate as necessary. Key functions of the policy team likely include the review and production of policy memos and recommendations; meetings with key stakeholders; briefings with key officials; and the review of Executive Orders and outgoing regulations to determine whether the incoming administration will keep or overturn prior policies; etc. The policy team is, therefore, well positioned to inform and influence the incoming administration.

2. Agency review: The agency review team will collaborate closely with the U.S. Department of Education (and other agencies) to ensure smooth operations during the transition to new leadership. This effort will involve coordinating among federal agencies and developing consistent procedures for interacting with the White House and the president. The team will also inform personnel recommendations and transitions; and bring high-level agency leads and appointees up to speed. Many of the transition staff working on the agency review team may also be selected to serve as political appointees in the new administration, which makes engaging them an important part of any transition strategy.

A key role of the agency review team is to assess what is happening at each agency and determine which issues must be urgently addressed, including what should stay on-course and what should be changed or reversed early on. To inform this process, each current agency will designate a lead and produce a briefing memo and materials for the incoming administration to ensure continuity. This creates another important entry point. During a transition, some key career staff are likely to be given a role in policy decisions, developing briefing materials, and guiding the incoming team. There may also be a few political staff who remain in their current roles in the new administration to support continuity (which is more likely in a same-party transition).

3. Presidential appointments: The transition team helps determine and vet presidential or political appointments at every level. Early on, the team is focused on selecting candidates for high-priority positions, such as key White House staff and cabinet members. But this focus quickly shifts to include major subcabinet appointments, such as deputy secretaries, assistant secretaries, and more junior but essential special assistant positions. The transition team must also guide the highest-level appointments through the Senate confirmation process, as more than 1,000 positions must be confirmed by the Senate. The vetting process is crucial given the sheer number of political appointments in a new administration (approximately 4,000), and it will continue to unfold well into the first 100 days and beyond.

Timeline

As discussed above, there are three main phases of a presidential transition. It is useful to consider the first two phases together, as they usually involve one team and process, though they may unfold at different pace. The first two phases should be viewed separately from the third phase — the "handover" to a new administration:

1. Pre-election "planning" phase (*Summer/Fall 2024– Election Day/November 2024*)

Typically, following the Republican and Democratic presidential conventions, the pre-election phase gets fully underway as formal transition committees are created and the current administration designates potential transition leads. Former President Donald Trump, the Republican nominee, [named](#) his transition committee leaders on August 16, 2024, shortly after the Republican National Convention. On August 23, Vice President Kamala Harris, the Democratic nominee, [announced](#) the leaders of her transition committee.

During this phase, a transition team begins its work, even as the campaign is, by far, the primary and public focus; goal setting may begin based on the emerging campaign promises and the candidate's policy and budget priorities; structures and work plans are likely developed; and relationships are established with Congress, the outgoing administration, and other federal offices essential to a smooth transition. The pre-election phase often involves narrowing and vetting cabinet-level positions. *This time is crucial for outside groups to develop their priorities and strategies with regard to presidential transition.*

2. Post-election "transition" phase (*Election Day – Inauguration/January 2025*)

In the post-election phase, which lasts approximately 75 days, the transition team ramps up quickly. It must decide how to manage incoming staff from the campaign and other places, as well as how to manage daily operations during the transition in preparation for governing. As described above, the focus includes developing key policy agendas that incorporate campaign promises, creating a proposed budget for the next fiscal year, and determining the agenda for the first 100 days; conducting agency review activities; and making personnel decisions and appointments that advance the incoming president's priorities — including vetting and announcing White House staff and top-level presidential appointees, such as cabinet secretaries, and beginning to vet other nominees. During this period, coordination with the outgoing administration and Congress is also a priority. One major responsibility of the transition team during this phase will be to engage key constituents. *This is a critical period for organizations to engage with the incoming administration and transition team, as well as the outgoing administration, to communicate their priorities.*

3. Post-inauguration "handover" phase (*Pre-Inauguration – First 100 days/April 2025, and beyond*)

Between the Inauguration and the proverbial first 100 days of the administration, the new president has the opportunity to establish major policy initiatives, particularly if Congress supports these policy and legislative goals. The president can also take early actions that are

within presidential or agency authority, such as through executive orders, administrative regulations, guidance, and more. At the same time, the administration is focused on getting its top-level cabinet positions confirmed, which requires congressional outreach and hearings. The president will also deliver his or her first State of the Union address and submit a budget proposal to Congress, both of which will signal and set the key priorities of the new administration. The administration will also vet and fill approximately 4,000 political appointments, shepherding more than 1,000 of those through the Senate confirmation process, which can be more or less complex depending on the political environment and the party in the Senate majority. Note that presidential appointees only require a majority vote in the Senate and cannot be filibustered. At the agency level, many detailed decisions will be made regarding the implementation of federal laws and the role of agency staff. *This can be a crucial time for outside groups to monitor, inform, and advocate for their priorities to the administration and Congress.*

Planning for All Election Outcomes

While the focus of the election has primarily been at the presidential level, organizations should keep in mind four possible election outcomes as they plan for various scenarios — a Harris win with a Democratic House and Senate; a Harris win with a divided government (either divided control of the House and Senate or full Republican control of Congress); a Trump win with a Republican House and Senate; or a Trump win with a divided government (either divided control of the House and Senate or full Democratic control of Congress). Below are considerations and potential opportunities for action under these four scenarios.

Changes in Congressional leadership are another factor to consider when planning for a presidential transition. In the Senate, a new Republican leader will replace current Senate Republican Leader Mitch McConnell's (R-KY), who announced that he will not seek another term as leader. Sens. John Thune (R-SD) and John Cornyn (R-TX) are considered the most likely successors. On the Senate Health, Education, Labor, and Pensions Committee, Sen. Rand Paul (R-KY) may challenge the current ranking member, Bill Cassidy (R-LA), for leadership of the committee. In the House, the current Chairwoman of the Education and the Workforce Committee, Virginia Foxx (R-NC), has announced that she will not seek another term as the Republican leader of the committee, and Reps. Tim Walberg (R-MI) and Burgess Owens (R-UT) are seen as her most likely successors. On the Democratic side, the current leaders in the House, Senate, and key committees are expected to remain the same regardless of the election outcome. It is particularly important to marshal your allies and champions in Congress to prepare to defend and advance your priorities, including through confirmations for key roles in the new administration.

Building a Transition Strategy

With these scenarios in mind, this section presents a simple framework for considering an effective transition strategy over the coming months. The initial steps are likely internal in nature. From there, decisions will need to be made about how to fully engage during the transition.

A transition strategy likely involves three core considerations:

1. **What** are your highest priorities regarding federal education policy during this transition?
2. **Who** might you recommend to serve in key positions?
3. **How** can you effectively engage to advance your policy priorities and recommendations, directly or through partners, in accordance with federal law?

These elements can be used to develop a **work plan** that aligns with points in the transition *timeline* during which they will be most effective, providing a sense of **sequencing and the capacity needed** throughout the transition period.

1. What - Policy priorities and recommendations: This process involves identifying the highest education policy priorities, determining which of these priorities implicate federal policy (both opportunities and risks), and identifying the opportunities and challenges that these priorities face during the transition process. We often think of this as examining priorities in terms of their “fit” with active federal policy levers; their “ripeness” for action during the transition or early in the next administration based on the political and process context; and the potential “impact” — positive or negative — that such action could have. A transition strategy can help identify possible substantive recommendations for the transition, including the *vision or narratives* that a new president and administration could promote; any big, bold ideas for the “first 100 days” of the administration or beyond; and the array of “day-one” policy priorities that could be advanced throughout the administration to achieve priority goals — often through agency action. Importantly, this should include new policy priorities to be developed and advanced by the incoming administration as well as policy priorities that should be maintained for continuity.

2. Who - Key roles and personnel recommendations: It is often said in Washington, D.C., that people *are* policy, so in addition to policy recommendations, it is important to consider key personnel recommendations for roles within the transition team or new administration. These recommendations can help inform the incoming administration on how to successfully carry out its policy recommendations and identify who should oversee these processes, given the thousands of personnel decisions that must be made in a short period of time. Equally important are recommendations regarding structural changes in roles or positions within the White House or relevant agencies that would best advance priority policy goals (such as the creation of a new unit within the U.S. Department of Education or the U.S. Department of Health and Human Services to support specific policy priorities, or the creation or continuation of an agency or White House position to lead on a set of policy or communications priorities). These conversations tend to be most useful during the early days of the transition and new administration, as they require lead time and changes to office structure; however, it’s not impossible for structural changes to be implemented later in an administration.

3. How - Strategies and opportunities for impact: Throughout the three main phases of transition, strategies are needed for effectively developing and communicating policy

recommendations and related personnel or structural recommendations, while acting within federal legal requirements. These strategies may include various written deliverables (such as memos or playbooks for the transition team, and for the incoming and outgoing administrations); meetings or calls (including formal or informal meetings with transition team members, as well as incoming and outgoing administration leads); and events or communications (such as briefings, summits, or other public events to elevate key priorities). A key consideration is determining which strategies would be best executed individually and which may be best executed jointly with partners or coalitions. This assessment could help inform the development of a more detailed work plan by determining how each strategy best fits within the transition timeline outlined above. Typically, the most impactful windows for direct engagement during the transition run from just before the election through December for the transition team, and again from January through the first 100 days for the new administration. However, each transition will vary, and it is important to be planful and nimble.

Conclusion

Presidential transitions are moments of tremendous excitement and activity, providing multiple opportunities to advance a vision of high-quality education for all students. However, given the many competing priorities during the transition process, it is important to act quickly and intentionally to maximize these opportunities and minimize risks to your priorities.